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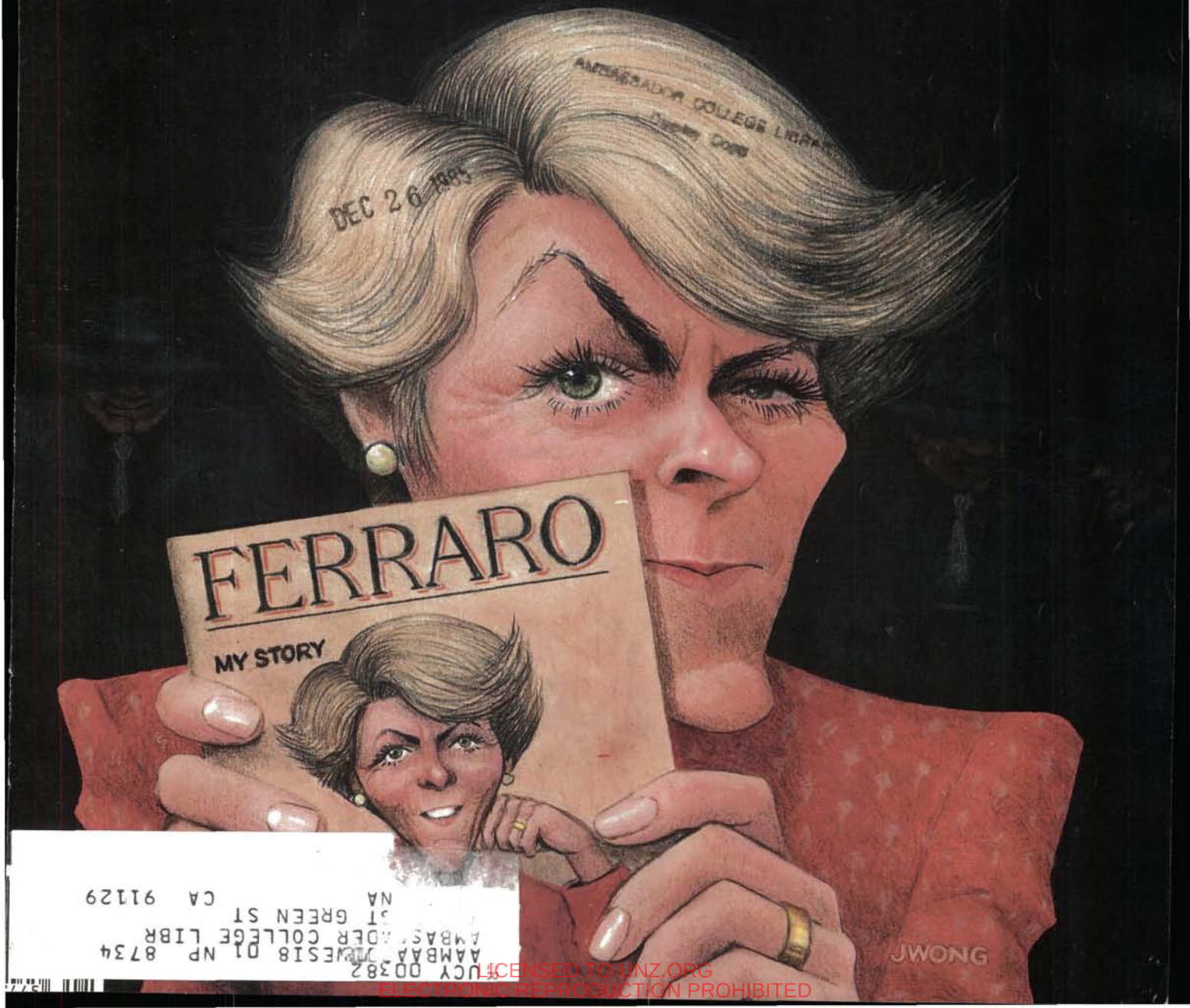
Meese, Brennan, and 'Original Intent'—*Stuart Taylor Jr.*

SCHOOLS IN JAPAN • TAX REFORM LIVES! • LESBIAN NUNS • THE YEAR IN REAGAN QUOTES

THE NEW REPUBLIC

The Two Faces of Geraldine Ferraro

Sidney Blumenthal on the story she won't tell



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CORRESPONDENCE

THE KAHANE CONTROVERSY

To the editors:
The article on Kahane by Leon Wieseltier is superb ("The Demons of the Jews," November 11). I can imagine how much courage it must have taken to do it. I cannot remember when I have been more moved and gladdened by an act of the highest moral grandeur and intellectual integrity.

THEODORE DRAPER
Princeton, New Jersey

To the editors:
As an ardent reader of TNR, I was shocked and chagrined to see the article on Meir Kahane. Although I am Meir Kahane's uncle, I do not agree with his philosophy and have written often on the subject. This article, however, made me sick. It was worthy of the worst anti-Semite writing in history. As a former lieutenant of Rabbi Kahane, the author evidences the same attitude as other ex-lieutenants who never made it with the JDL.

ISAAC N. TRAININ
New York, New York

To the editors:
Leon Wieseltier is an angry man. Like most critics of Rabbi Meir Kahane, Wieseltier seems to be incapable of addressing Rabbi Kahane's views without resorting to mudslinging and name-calling.

Wieseltier concedes the accuracy of Rabbi Kahane's warnings about the Arab demographic threat. But lo and behold, Wieseltier believes he has discovered the solution: Israel should surrender Judea and Samaria (the "West Bank"), thus relieving itself of the 1.2 million Arabs living in those territories. But Rabbi Kahane is talking not only about the West Bank Arabs, but about the 700,000-plus Arabs who live within Israel's pre-1967 borders. The question is whether or not, *in theory*, those Arabs have the right to someday become a majority in Israel. One who answers yes is certainly a democrat—but he is not a Zionist; Zionism, at the very least, demands a guaranteed Jewish majority in the Jewish state.

Wieseltier concedes that traditional Judaism is "not democratic" and "not tolerant"; its texts "are riddled with exclamations of exclusiveness." All very true. Yet in his fury, he attacks the rabbi's proposal to ban Arab-Jewish intermarriage. Wieseltier—and the many others who so casually invoke Nazism in order to defame Kahane—might be surprised to learn that the prohibition against intermarriage between Jews and non-Jews is direct from the Bible (Exodus 34), as is the term "sacred Jewish seed" (Ezra 9). Rabbi Kahane, as an orthodox rabbi, can say no less.

Rabbi Kahane's policies do not derive from "hatred" nor from "paranoia," as Wieseltier suggests. They emerge, rather, from a reasoned analysis of Jewish history. The Jewish experience in exile, after all, has been one long tale of misery, pogroms, and gas chambers. The lesson to be learned is that if Jews want to survive, they must fight back with all means at their disposal.

R. BEN-CHAIM
KACH Movement
Jerusalem, Israel

To the editors:
I object to but one contention in Leon Wieseltier's penetratingly devastating diagnosis of the aptly characterized Jewish monster Rabbi Kahane. Elaborating on Kahane's "humble" argument that "Kahanism is Judaism," Wieseltier says: "In a sense, it is true. There is no such thing as a tolerant religion, and Judaism is no exception."

Not so. From the first king, Saul, to the last king, Zedekiah, all were challenged by the spiritual voices of their time, the Prophets of Israel. Nathan denounced David, Elijah cursed Ahab, Jeremiah doomed Zedekiah. Jewish thought did not follow Plato or Aristotle in declaring monarchs ideal rulers or divine beings.

There surely was democracy in Judaism from its birth to this day.

ELY E. PILCHIK
Short Hills, New Jersey

To the editors:
I am a 17-year-old Jewish girl and I have admired your magazine for some time—until now. I am outraged by your piece on Kahane.

I am not reacting as one who has suffered or has personal grievances against specific Arabs. I have a wonderful life and two terrific parents who have instilled in me a pride in the Jewish people. In short, this letter is from a moderate, well-adjusted, and optimistic young girl.

Yet the author chooses to classify those who support Kahane, which I do with all my heart, as ignorant masses who belong in the gutter. How dare you? I represent many, many extremely well-educated, well-informed young Jews who have realized the validity of Meir Kahane's position. We learn about the persecution of our ancestors, and hear news of what is going on in Israel, and we cheer for the one man whose actions embody the vow "Never Again." Why must the Jews be a passive people?

RUTH ANN SCHWARTZ
New York, New York

Leon Wieseltier replies:
Theodore Draper's kind words aside, I am most affected, of all the many letters about my essay, by Ruth Schwartz's reply. I understand her conviction that the Jewish past leaves one fierce about Jewish security. But I would ask that she study the Jewish past more carefully. She will learn that Meir Kahane is hardly the only Jew who thinks "Never Again"; that the Jews in Israel (and in America) stopped being "a passive people" long before Kahane appeared; that the Labor Zionist tradition that Kahane scorns was responsible precisely for the building and the securing of the Jewish state; that the state was built and secured without resort to the kind of cruelty toward Arabs that Kahane desires. I would ask her also to reflect on the moral problem: what does she feel, if she sincerely wishes to expel the Arabs from Israel, when she reads about the expulsions of the Jews from England and Spain and Portugal and the Italian city-states and so on?

Rabbi Pilchik makes an appropriate but anachronistic point. Obviously there is a deep and undisturbed insistence upon justice in Judaism. But justice, r ot democracy. Elijah and Jeremiah and Saul and David were not exactly democrats. Democracy may be inspired by much in the prophetic tradition, but it is a wildly different thing. The application of Jewish theocracy to Israeli democracy, therefore, is a risk; Rabbi Pilchik should not be surprised if the exercise inclines more toward a closed society than an open one. (Thus the gentleman from Kach cheerfully cites Ezra 9 against me,

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FROM WASHINGTON

Green Eyeshade Time

"Anybody can write a budget," David Stockman used to say. He meant: it's easy to sit down with a yellow pad and a pocket calculator and make ends meet—what's hard is getting the result through the political system. That's true, of course. But the Gramm-Rudman Act, now law, is supposed to ensure that fiscal responsibility doesn't founder on political reality. So this is a good moment to remember the primary meaning of Stockman's adage: for all the screaming agony we're about to hear, it's really not hard to cut the deficit.

The first major Gramm-Rudman target is a $144 billion deficit for fiscal 1987, which begins nine months from now. Only last August, the administration predicted a 1987 deficit of $139 billion—under the target—but now it looks more like $200 billion without further action. That leaves a $56 billion gap that the president and Congress must close in order to avoid setting off Gramm-Rudman's nightmarish automatic chopping machine.

It sounds formidable, but it isn't. The way the government raises and spends money today doesn't reflect any coherent political philosophy, liberal or conservative. There are ways to save billions without hurting the poor or even the near-poor. There are ways to raise billions without imperiling economic growth.

It's interesting to consider this fiscal challenge in the context of the much-heralded rebirth of patriotism: "our communal fantasy life" of "a can-do America," as *Newsweek*'s current cover story on Sylvester Stallone puts it. In order to make the Gramm-Rudman timetable, the average person in this affluent country would have to give up about $225 in taxes or benefits. Not peanuts, but hardly a heroic sacrifice. Put another way, with personal income expected to top three trillion dollars in 1987, we're talking about 1.7 cents on the dollar. If that's a hopeless goal, the new patriotism is a fantasy indeed.

No one doubts that if we could straighten out the federal budget, the payoff in extra economic growth would be far more than 1.7 percent. And even though a deficit of $144 billion still leaves us a long way from fiscal sanity, the first step is the hardest. From that point, a smaller national debt, lower interest rates, and increased tax revenues from growth would rapidly help to ease our burden.

Something for liberals to keep in mind, in the struggle ahead, is that one of the most regressive "programs" in the federal budget is interest on the national debt. It will be about $150 billion in 1987. That represents a transfer from federal taxpayers to federal bondholders: on average, a far wealthier group. Every year of $200 billion deficits adds another $20 billion or so to the size of this "program."

Yet the wearisome annual ritual has already begun whereby inside defenders of federal spending programs leak advance word of proposed cuts to the newspapers, so that outside supporters can rally in opposition. The *New York Times*, December 14, page one: REAGAN PROPOSES SELLING OFF F.H.A. TO PRIVATE BIDDER; SALE OF HOUSING AGENCY IS DESCRIBED IN DRAFT OF BUDGET FOR 1987. The *New York Times*, December 15, page 39: OPPOSITION IS VOWED ON PLAN FOR THE SALE OF HOUSING AGENCY. Same day, page one: REAGAN'S BUDGET FOR 1987 SEEKING MEDICARE SAVINGS. And so on day-by-day until the tattered document emerges at the beginning of February.

Medicare is a good example of the difference between true compassion and simple momentum. It will be a $70 billion item in 1987. Gramm-Rudman exempts Medicare from its automatic cuts, which is absurd. The main beneficiaries of Medicare are the elderly and physicians. Neither is, on average, a deprived group. The elderly are now better off than Americans as a whole. Doctors average more than $100,000 a year.

When Medicare started in 1965, the monthly fee participants pay was expected to cover half the cost of their doctor bills. (Hospital bills are financed through the payroll tax.) Over the years, that figure drifted down to a quarter. Just putting it back where it was would save $12 billion. And it

continued on page 42

The use and misuse of intelligence

In a probing look at recent successes and failures of U.S. intelligence-gathering agencies, Walter Laqueur assesses the valid uses and inherent limitations of intelligence.

"Mr. Laqueur's brilliant elucidation should be required reading for all those seriously interested in understanding the shortcomings of American intelligence."
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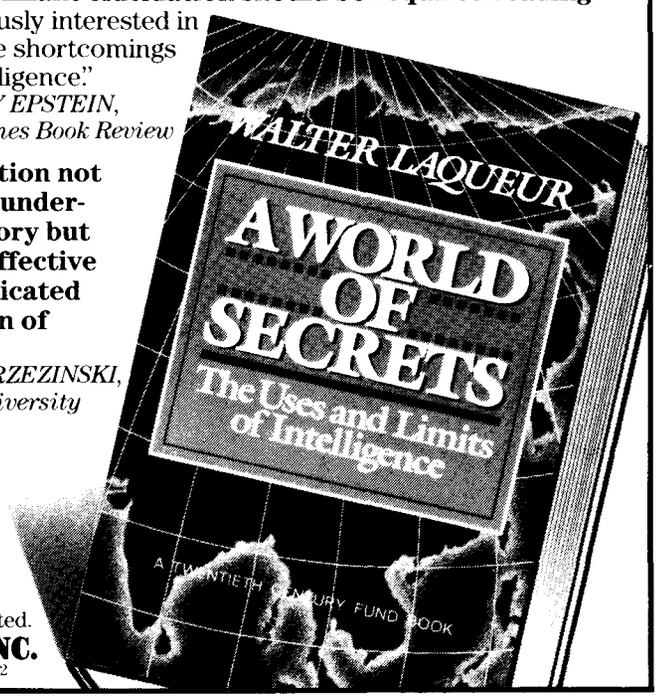

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THE NEW REPUBLIC
JANUARY 6 & 13, 1986

WHO'S WHO OF TAX REFORM

We almost lost tax reform on December 11, when the Ways and Means Committee bill lost a procedural vote on the House floor. Only 14 of 182 Republicans supported the bill, despite President Reagan's endorsement. Washington was quick to blame the Reagan administration for failing to lobby effectively, and Ways and Means chairman Dan Rostenkowski for failing to make enough concessions to Republican interests. But if tax reform should die, principal blame belongs on those who opposed it, not those who supported it.

For years liberal Democrats have been mocked (with some justification) for mouthing pieties about a strong defense while opposing every weapons system that comes along. Republicans deserve the same mockery when they insist they are zealots for overhauling the tax system while at the same time they try to snuff out or lobotomize the only tax-reform bill to come before them this year. To put it bluntly, if you oppose the legislation ultimately approved by the House on December 16, you oppose tax reform.

There are two reasons for this. The first is historical. Now is the moment. They don't come often. John F. Kennedy came to Washington in 1961 with tax reform on his mind. He got only a tax cut. Jimmy Carter, in his 1976 presidential campaign, called the present tax code "a disgrace to the human race." But within months after becoming president, Carter decided that tax reform was politically impossible. Which brings us to 1986. Reagan did what Carter and Kennedy couldn't, and made tax reform an effective cause. But the House-approved bill is the only live option around. If it dies, so does tax reform.

The second reason for supporting the legislation is substantive: it's a good bill. Sure, it has warts. It is not tax simplification; the bill itself is more than 1,300 pages long. It is studded with petty write-offs for industries in the home districts of Ways and Means Committee members. And it is insufficiently progressive; a two-earner family making $43,000 faces almost the same tax rate as the mogul earning $43 million. But the bill does achieve what any true tax-reform measure must. It lowers rates and drops millions of the poor from the tax rolls entirely. It shifts back a small part of the tax burden that has shifted from businesses to individuals over recent years. It untangles the spectacular economic distortions built into the 1981 business depreciation rules. And it eliminates or shrinks scads of unwarranted and uneconomic deductions. Finally, it contains a stiff minimum tax to assure that no one with serious income escapes serious taxation. Not bad for starters.

Unfortunately, peril lies ahead in the Senate. When President Reagan urged House Republicans to vote for the Ways and Means bill on the ground that it would be improved in the Senate, no one took him seriously. GOP Representative Bill Frenzel said this was the moral equivalent of saying, "I'll respect you in the morning." The bill must first run the gauntlet of special interests that dominate the Finance Committee. Chairman Bob Packwood is certain to restore lost tax breaks to the timber industry. Some on the committee will try to sweeten depreciation for capital-intensive businesses. Others—Democrat Russell Long, for one—will attempt to placate oil and gas interests with fatter write-offs. And no telling what Senate Majority Leader Bob Dole has in mind. He desperately wants to keep the Senate in Republican hands, which means the tax bill is vulnerable to whatever gimmicks, preferences, and loopholes might help hold the 22 Republican seats at stake in 1986.

But special interests can be resisted. The House succumbed to the real estate lobby and preserved the deduction for mortgage interest on second homes. But it managed not to stage a repeat of its shameless capitulation to business interests in the 1981 tax bill. Now a majority coalition exists in favor of true tax reform. It consists of Reagan, congressional Democrats, and a scattering of Republicans—in other words, the folks who pushed the bill through the House.

Republican Representative Jack Kemp (who voted "no" the first time and then came around) pressured Reagan into producing a list of changes he will require in order to support the bill. The list is underwhelming. Reagan insists

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that the individual exemption be pegged at $2,000 for everyone, not $2,000 at most and $1,500 for those who itemize and presumably are wealthier. For Republicans the $2,000 across-the-board exemption has taken on symbolic value. It's silly—virtually all those who would benefit are getting a tax cut anyway—but this change can be accommodated. So can Reagan's insistence on a 35 percent top rate, instead of the 38 percent rate in the House bill. It's oddly revealing that self-styled populists like Kemp and Reagan should be drawing a line in the sand over an item that would affect only people making more than $100,000 a year. But in truth the 38 percent rate is just a crowd-pleaser anyway; it wouldn't raise much revenue. Reagan also would like a boost in the threshold for the 35 percent bracket. That would actually make the code more progressive. Finding the money will be a challenge, but this, too, is easily negotiable.

Reagan has pledged to House Republicans to "improve the business side." This sounds ominous, but it needn't be. Kemp himself has come up with a revenue-neutral solution: shorten depreciation schedules in exchange for restricting the deductibility of interest on nonbusiness loans. Fine with us; personal interest shouldn't be deductible anyway.

In any event, all of these changes are not mandatory, despite Reagan's vow to veto any bill that doesn't include them. He often promises vetoes when he is actually indulging in legislative maneuvering. His word is not his bond on these things. If a bill arrives at the Oval Office with the $2,000 exemption and one of his other big demands, Reagan will be hard-pressed to veto it. And when he is hard-pressed, he tends to take the easy way out.

The politics of tax reform are no longer muddy. Even with Reagan a prime mover, Republicans have sacrificed their claim to be the party of tax reform. Even after Reagan's personal lobbying visit to the Hill, most Republicans came down against the bill. One by one they (and, to be fair, a few Democrats) were picked off by lobbyists for groups that prefer the tax code the way it is now. Hypocritically declaring this bill to be an inadequate reform, they opted for no reform at all. You'll be sorry, fellas. You don't get credit for tax reform if you vote against it.

NOTEBOOK

□ THE LARGEST LEGAL JUDGMENT in history is also among the silliest: a Texas jury's award—confirmed by a power-drunk judge—of more than $11 billion to Pennzoil from Texaco. Pennzoil thought it had a deal to buy 43 percent of Getty oil for $112.50 a share, or $3.8 billion. Then Texaco came along and bought the whole company for $128 a share, which would be $4.3 billion for Pennzoil's 43 percent. Even assuming that Pennzoil has a legitimate grievance, by what logic is it owed $11 billion? Answer: by no logic at all. Pennzoil persuaded the jury that the oil reserves it was hoping to get from Getty were worth seven billion dollars more than it paid for them. Add "punitive damages" (as if seven billion dollars weren't punitive enough), interest, *et voila!* If this argument had any merit, the people who should be suing would be the stockholders of Getty, against a management that apparently sold the company—twice in two days, no less—for a third of what it was worth. Obviously this never happened. Texans are known for taking "bidness" seriously. They'd better rein in their courts if they want to have any bidness left.

□ PORK BARREL IN SPACE: "Are you missing out on SDI opportunities?" asks the envelope. "Opportunities to play an active part in the Strategic Defense Initiative will not fall out of the sky," says the letter inside. "Your company may miss out on the best contracts in the SDI program—unless you continuously mine for nuggets of information." The solution? A monthly newsletter called *SDI Monitor*. In the true spirit of Star Wars, it's only $587 for 12 issues ($702 with Federal Express delivery).

□ LOTTO LUNACY: The California state lottery is only a few months old, and already it has its first scandal. Californians were outraged to learn that a Vietnamese refugee who won two million dollars had spent $200 of state welfare money on lottery tickets. But their outrage is misdirected. A state assemblyman says it is "the height of unfairness" for working people to have to compete with someone receiving state funds, as if being on welfare was some kind of unfair advantage. The real scandal, of course, is that the state should be deliberately creating an atmosphere of frenzy that would induce a welfare recipient to part with $200 in what is, for all but the tiniest minority, a mug's game.

□ WE HAVE WAYS OF MAKING YOU TALK: "MOSCOW—French mime Marcel Marceau collapsed and underwent intestinal surgery at a Moscow hospital, where he was listed in serious condition in an intensive care unit. . . ."—UPI report, December 9.

POSTCARD DUNGANNON

THE PLEASURES OF HATE

DUNGANNON IS A small town in County Tyrone, Northern Ireland. It is famous in Ireland as the setting for "The Ould Orange Flute," a song about a musical instrument that will play only Protestant tunes. This evocative old folk air celebrates the joys of thumping Catholics, hard and often.

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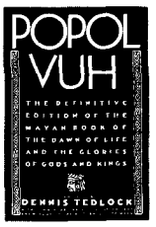

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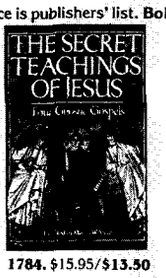

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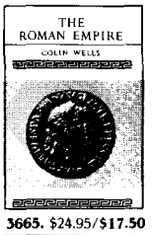

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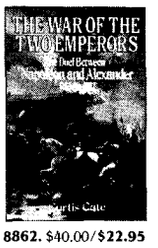

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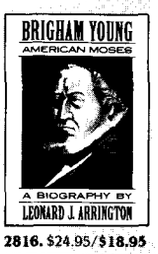

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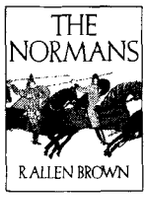

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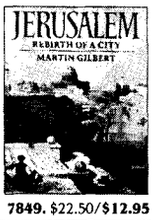

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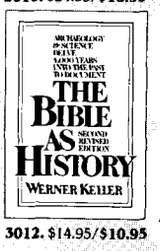

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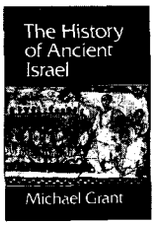

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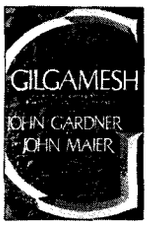

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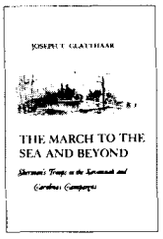

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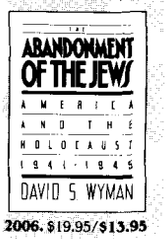

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ning permission for a new car park. The minister looked at the town plan and figured out that they already had two car parks, which seemed ample for such a small place. "But you don't understand," said one of the burghers, pointing at the map. "That one there is a green car park."

In a land where musical instruments have religious affiliations, a denominational car park might not be so surprising. What is astonishing, though, is that after 17 years of mayhem, of being nagged and harangued and cajoled by most of the rest of world, the Protestants of Dungannon still blithely assume they should lock bumpers only with their co-religionists, and that the British government ought to pay for this basic democratic right.

HAVE THEY learned nothing from the 17 years and 2,466 deaths? Yes, quite a lot, but not perhaps what the well-meaning of the world would have them learn. If your neighbor is shot dead by the IRA because he is an isolated Protestant living near the border, you don't infer from this a need for reconciliation. You conclude that it is more necessary than ever to clobber the hell out of the other side. If your son has his eyes put out by a British plastic bullet, you don't find yourself yearning for an Intergovernmental Conference and recognition of your cultural aspirations. The jargon in Ulster parted company with the facts some time ago.

This is why the November "peace deal" agreement between Margaret Thatcher and Irish Prime Minister Garret FitzGerald seems no more likely to work than its predecessors. The politicians have hopes for the agreement mainly because it was so hard for them to contrive. So is riding a unicycle across a skating rink. But the fact that something is difficult doesn't mean it's worthwhile.

The situation has been frozen in Northern Ireland for more than a decade. Plenty of people want the troubles to continue, especially the IRA; the violence is their only purpose. As for the rest, the majority, life is perfectly tolerable. British people are forever asking themselves what the "solution" to Northern Ireland might be. There isn't one.

An enduring myth about the province is that its inhabitants "hunger for peace." No, they don't. What they hunger for is victory. Few troubled territories can have been pooled so frequently as Northern Ireland, where elections have been held at the rate of roughly one a year for the past decade. At almost every one, the Alliance, the party devoted to peace and reconciliation, has scored between ten and 12 percent of the vote, a figure that sometimes drops alarmingly for tactical reasons. The Alliance is not a lentil-and-scandals collection of do-gooders; its leaders are experienced politicians of both religions with roots in their areas. If a majority in Northern Ireland really wanted to end the troubles, they could have voted Alliance and reached a settlement in a month. But they never have; as a senior Irish official told me, "ten or twelve percent *is* the vote for moderation in Ulster."

"We're always supposed to be on the brink of the abyss," a weary British official said to a group of journalists some years ago. "Luckily, the Irish keep moving the abyss." The annual rate at which people are murdered has been declining year by year and is now comfortably under 100. These days the worst areas of Belfast are safer than parts of many American cities. The most startling statistic is this (though precise figures aren't available): if you are an uninvolved civilian—and not a member of the many exotic paramilitary groups—you are ten times more likely to be killed by a car than by a bomb or a bullet.

This ought to be the case, since Northern Ireland (as well as having the worst drivers in the U.K.) may be the most heavily protected society in the Western world. Its total population of 1.5 million (around that of Nebraska) is guarded by 8,000 police, 9,000 soldiers, and 11,000 reservists. Security is big business here, where one in 50 of the whole population legally has a uniform and a gun.

A lot of businesses are big here, though not necessarily so successful. John DeLorean persuaded the British government to hurl millions of pounds at his gull-wing car. The failure of this wretched vehicle and the FBI's discovery of DeLorean's other commercial interests brought almost no political flak in Britain; the assumption for years has been that if the money is going to Northern Ireland, then it is automatically well spent.

The annual "subvention" to the province, the difference between the amount Britain spends there and the amount Ulster contributes in taxes, is now running at 1.5 billion pounds, or $2.2 billion, or almost $1,500 for every man, woman, and child. In its own way, this money subsidizes the troubles as much as contributions from "Noraid," by making life more or less bearable in spite of the violence.

THE BEGINNING of the present ructions, usually dated from October 1968, quickly swept away the old Northern Irish politicians and brought in a new resistant strain, like rats who eat rat poison. People such as the Rev. Ian Paisley don't just put up with the violence—they need it. If you removed the threat of Romish occupation from the Protestants, there would be no point in Paisley's existence. In turn, the IRA finds him one of its best recruiting sergeants, a claim that Paisley furiously denies but that is nonetheless certainly true. In the early 1970s he began to toy with the idea of an independent Northern Ireland that would include equal rights and firm guarantees for the Catholic population. Highly placed officials in the Department of Foreign Affairs in Dublin began to murmur that they could "happily live with" an Ulster that had Paisley as prime minister. At this point, Paisley's poll ratings collapsed and he returned quickly to pope-bashing.

(Ulster is an astonishingly introverted place, where people in pubs will boo the TV news if it shifts to international affairs. One aspect of this is the Protestants' belief that the conquest of Northern Ireland is the pope's main purpose. A friend of mine got into an argument with a group of militant Protestants about the personal merits of John Paul II. One of them ended darkly: "Well, he hasn't got a very good name in Portadown." A farsighted graffito on the Shankill Road used to read "Fuck the Next Pope.")

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The "troubled areas" of Ulster are usually depicted on the world's TV screens as intolerable Gehennas. For a few people they are, but for most they are tight, cozy, and warm communities. For some months I dated a schoolteacher who lived with her family in Andersonstown, then a dangerous and violent neighborhood. Her father was in jail, her cousin killed himself trying to blow up an office block, and her aunt was a prominent IRA activist who was later murdered in her hospital bed. I've rarely met a family so intimate and so tender with each other. My date told me she had once been taken out by a racing driver, who had dropped her off in his transporter truck at two in the morning. The next day the whole of Andersonstown was delightedly discussing the huge shipment of IRA arms that had been delivered to her house. You don't find interlocked communities like that on the British mainland.

Even rioting is a pleasure. The sense of shared danger, the whiff of tear gas, the excitement of taking on a helmeted and visored phalanx of soldiers—who needs a political motive for having so much fun? The problem of Northern Ireland is not that life there is unbearable, but that it isn't. If you have a job you can live well among some of the friendliest people in Europe, amid some of the loveliest scenery, and not hear a gunshot from one year's end to the next. The troubles found their own internal equilibrium ten years or so back. It is small wonder that a treaty designed to bring them to an end brings 70,000 people out in protest.

SIMON HOGGART

Simon Hoggart is the Washington correspondent of the *London Observer*.

My friendly nuclear neighbor.

GLOW WITH THE FLOW

IS RADIATION ALWAYS bad for you? How much of the stuff does your own body give off in a year? Ever wonder what they call a cloud bearing potentially lethal radiation that has been released by a nuclear power plant?

The answers to these and similar questions can be yours for the asking if you live within roasting distance of most American nuclear power plants. They can be yours without asking (much like the radiation itself) if you're fortunate enough to be domiciled within a 20-mile radius of California's San Onofre Nuclear Generating Station, in what Southern California Edison, the plant's operator, describes as its "Public Education Zone."

The unsolicited 20-page treatise, *Emergency Information Handbook—Second Edition*, arrived recently at my home in northern San Diego, accompanied by a cover letter above the signature of Edison chairman Howard P. Allen. Allen's letter set the tone for the entire work. "A serious emergency situation," he wrote, "is considered highly unlikely. In fact, recent studies have concluded that the chances of such an event occurring are even less than previously estimated." In fact, the handbook had been sent along merely in the spirit of education and fellowship, to let me know a little about my good neighbor to the north.

Edison's presentation strives to be upbeat throughout. In one major subsection titled "Some Facts About Radiation Effect and Radioactivity Releases," the handbook points out, among other things, that "radiation can have beneficial effects."

Lest the radiation get too beneficial after some massive leak, however, Edison has made certain provisions, based on four arbitrary disaster scenarios. The most serious of these is "General Emergency"; the least, "Unusual Event." The characterization of what constitutes an Unusual Event is kind of fuzzy, but the clear implication is that since, in such circumstances, the problem remains contained in the facility, we on the outside needn't trouble ourselves about it. Less clear are the implications for those on the inside.

IN THE CASE of a General Emergency, "actions involving the public would be likely." The pamphlet does not elaborate on what is meant by "actions involving the public." However, under the heading "Nuclear Emergencies: Who Decides When to Take Action," there is a sketch of four corporate types sitting around a table on which rests a cup of coffee. Their expressions suggest they are interested but hardly troubled. A sketch on the following page shows a man with a pen in his hand, on the phone, taking notes. There is a small but unmistakable smile on his face: *What, me worry?*

Adding to the ho-hum aura the pamphlet tries hard to project is its assertion that during a General Emergency public notification would be by "news broadcast." There's no big rush, see; if you don't find out about it until sometime after 11 that night, it's no skin off your nose. So to speak. Only later do we learn—sort of—what would be expected of us in the aftermath of a true "emergency condition." (Edison does its best to avoid using "emergency" as a simple noun.)

On the one hand, we might simply be asked to await further instructions. On the other hand—assuming both hands are still available in the wake of a major leak—we might be asked to "take sheltering precautions." Notice that here again the word "precautions" implies that no bold action is called for; you're just following their instructions to be on the safe side. Note too that, loath to use phrases like "take shelter," which fairly reek of the Eisenhower-era duck-and-cover mentality, the handbook opts for a more passive construction; Edison's PR people adore gerunds. Inevitably, the whole "sheltering" issue gets glossed over anyway. This is not, after all, a pamphlet that is looking to stir up alarmist doubts. Rather, its mission is to downplay radiation hazards wherever possible. And so:

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"If you lived next door to San Onofre . . . you would receive less than one millirem of additional radiation per year under normal operations." To put that little ole one millirem in perspective, the handbook goes on to explain that "background radiation alone" exposes the average U.S. citizen to about 100 millirems per year, "22 to 27 of them from one's own body."

The handbook does set forth several categories of radiation exposure to give you some idea of what to look for, besides your Blue Cross policy, in the event the plant is operating at conditions other than normal. If, by the way, you're one of those people who had vision enough to buy that house with no windows or doors and the two-foot-thick walls made of poured concrete, relax; Edison says you have almost nothing to worry about. For the rest of us, here are the numbers:

According to the text, nothing much of anything happens up to about 500 millirems per year. And even ten times that exposure—a 5,000-millirem dose "in any one year"—is "permissible" to a radiation worker.

At 25,000 millirems in one day you may get a little testy, but, the handbook notes, "there is usually no observable effect" on a person's health.

When you hit 75,000 millirems per day, "mild flu-like symptoms may appear." Do those symptoms ever disappear? It doesn't say.

But not until you get to a half-million millirems, *per day*, does 50 percent of the population die. And only then "if no medical treatment is given."

Still, there's a lot of territory unaccounted for between 75,000 (the point at which the nagging flu-like symptoms set in) and 500,000 (the point at which half the people turn into Cream of Wheat). The omission probably has something to do with the dour PR implications of any attempt Edison might have made to set forth a more comprehensive chronology of progressive deterioration:

150,000 MILLIREMS: CORN IN YOUR FREEZER STARTS POPPING BY ITSELF;

225,000 MILLIREMS: PREGNANT WOMEN BEGIN GIVING BIRTH TO LLAMAS. . . .

In the same vein, the handbook is filled with statements that are meant to be reassuring but come out sounding vaguely less so. Case in point: "Any effects of low-level radiation are so small that they are totally masked by effects from other causes." This may mean that the effects of low-level radiation are negligible; or it may be a way of saying that you will probably succumb to a heart attack before doctors realize that they can see your lungs without giving you a chest X ray. Similarly: "The chances of a serious nuclear power plant emergency are remote compared to the chances of other disasters such as *floods, earthquakes and hazardous chemical spills*." Of course, we all know how remote the odds of the next California earthquake are. And who can even remember the last flood or toxic spill?

Further, in its attempts to make radiation seem tamer—just another part of everyday life—the handbook ventures a number of analogies:

> When a person is exposed to radiation, he or she absorbs some of the radiation energy. We call this receiving a radiation dose. However, as in the case of coffee or medicine, the possible health effects can best be determined when we know the amount of radiation, the rate at which it was received and the manner in which it was received.

Sounds plausible. But then, people tend to take their coffee or medicine voluntarily; it does not normally come wafting over you from afar. Nor, for that matter, does radiation come decaffeinated or in child-proof bottles.

FRENCH MEANINGS ASIDE, what comes to mind when you hear the word "plume"? Visions of a soft summer breeze? Or maybe a delicate flower? Isn't it just a lovely, picturesque word? In the arcane lexicon of the nuclear power age, a plume is a moving cloud full of radioactive gas.

Toward the end of the handbook, under a subheading called "Effective Public Protection Action," there is a sketch showing a man, woman, and child huddled around a TV screen. On the tube, a man is speaking. Though the sketch is captionless, the import is clear. These people are in the midst of a crisis of undetermined magnitude. Perhaps they are awaiting the arrival of a plume. They are watching television to keep informed.

And yet they are smiling. All of them. Even the newscaster is talking through his smile. Above the TV set is a framed picture of a landscape, with a tree in the foreground, overlooking a lake. The overall effect of the sketch is oddly happy and serene.

It's almost enough to make you look forward to the next Three Mile Island.

STEVE SALERNO

Steve Salerno's book on the status of contemporary selling, *TNS, The Newest Profession*, has just been published by Morrow.

You ain't heard nothing yet.

REAGANISMS IN REVIEW

"FRANK SINATRA had a recommendation. Instead of tossing the coin, what would have been a lot better—you'd have had me outdoors throwing out the ball. I would have thrown it, a little artwork of maybe a ball going across a map, and out there, one of them catching a ball, as if it's gone all the way across the United States. How about that?"

—President Reagan six hours after being inaugurated for his second term, waiting to go on television and flip a coin to start Super Bowl XIX (January 20, 1985).

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Are you one of us?

If you want to do work you adore and keep doing it long after others retire; if you threw out the old conventions on sex, sex roles and love, and are still creating your new ones; and if you want a politics that relies less on bureaucracy and more on people—then, chances are, you're one of us.

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Like you, we're on the prowl for new ideas. We find them, and we print them.

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MOTHER JONES brings you people. After Tom Brokaw gave us a personal interview, he got into hot water with his boss at NBC . . . we profiled Geraldine Ferraro before she was nominated for Vice-President . . . In a MOTHER JONES interview Benigno Aquino assessed his chances of being assassinated just before he left on his fatal plane trip to the Philippines . . . Plus we've brought you West German peace activist Petra Kelly, science fiction writer Ursula LeGuin, Atlanta Mayor Andrew Young, the lost love letter of Emma Goldman, an interview with Yoko Ono.

"Perhaps a glass of water to wash down that incredible bunch of lies."

MOTHER JONES is on the cutting edge. We printed excerpts from The Color Purple, by Alice Walker, long before the book won a Pulitzer Prize . . . we've brought you Maxine Hong Kingston, Studs Terkel, Alice Adams, Kurt Vonnegut, Grace Paley, Edmund White. MOTHER JONES' award-winning, gutsy graphics have included works by Brad Holland, Sue Coe, Marshall Arisman, and international photographers like Sue Meisalas.

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Somebody Up There Likes Him

"You might be interested to know that the Scriptures are on our side in this."

—Reagan citing Luke 14:31 to support his arms buildup (February 4).

"I don't think I've ever used the Bible to further political ends."

—Reagan denying that he'd misused the Scriptures by citing them to defend his military budget (February 21).

"I just had a verbal message delivered to me from Pope John Paul, urging us to continue our efforts in Central America."

—Reagan trying to win support for aid to the *contras,* citing encouragement from the Vatican that the pope flatly denied he'd offered (April 16).

Ich Bin Ein Bonzo

"And I felt that since the German people—and very few alive that remember even the war, and certainly none of them who were adults and participating in any way—and they have a feeling, and a guilt feeling that's been imposed upon them, and I just think it's unnecessary."

—Reagan explaining why he had no intention of visiting a concentration camp site during his stay in West Germany (March 21).

"They were victims, just as surely as the victims in the concentration camps."

—Reagan justifying his decision to lay a wreath at a cemetery in Bitburg where Nazi SS troopers are buried (April 18).

"Yes, I know all the bad things that happened in that war. I was in uniform for four years myself."

—Reagan on the expertise about Nazi atrocities that he gained by staying in Hollywood making Army training films (April 29).

"One of the many who wrote me about this visit was a young woman who had recently been bat mitzvahed. She urged me to lay the wreath at Bitburg cemetery in honor of the future of Germany, and that is what we have done."

—Reagan at Bitburg Air Base citing a letter from 13-year-old Beth Flom, who had in fact urged him *not* to visit the cemetery (May 5).

DRAWING BY VINT LAWRENCE FOR THE NEW REPUBLIC

The Nose

"I violated all the rules. I picked at it and I squoze it and so forth, and messed myself up a little bit. . . . And then my little friend that I had played with began to come back."

—Reagan tracing the history of his cancerous nose pimple (August 5).

On Taxes

"Wow! You know, I may turn my head here to Don Regan again. . . . For me to try and off the top of my head bring up some of the other benefits—now, wait a minute."

—Reagan on being asked by a Mooresville, Indiana, businessman how his plan would simplify the tax laws (June 19).

Contradiction

"They are the moral equivalent of our Founding Fathers."

—Reagan describing the rebel forces in Nicaragua (March 1).

"More than twice as many people are fighting in the field right now against the Nicaraguan communist regime as fought against Somoza."

—Reagan trying hard to gain support for aid to the *contras* (March 18).

"Nearly three times as many men are fighting the communists as the Sandinistas had fighting Somoza."

—Reagan trying even harder to win support for aid to the *contras* (March 19).

What The President Isn't

"I'm not a scientist enough to know what they would take to make them that way."

—Reagan refusing to speculate on the possibility of defensive SDI weapons being used offensively (September 17).

"I'm not a lawyer, and I don't intend to get into too many legal areas where I might be caught short."

—Reagan refusing to speculate on which nation the *Achille Lauro* hijackers would be tried in (October 11).

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"I'm not medical. I'm not a lawyer and I'm not medical, either."

—Reagan trying to avoid discussing the recurrence of skin cancer on his nose (October 11).

"I'm no linguist, but I have been told that in the Russian language there isn't even a word for freedom."

—Reagan in a BBC interview, revealing his ignorance of the Russian word *svoboda* (October 29).

Let Regan Be Reagan

"They're not . . . going to understand throw-weights, or what is happening in Afghanistan, or what is happening in human rights. Some women will, but most women—believe me, your readers for the most part if you took a poll—would rather read the human interest stuff of what happened."

—White House Chief of Staff Donald Regan explaining why the Geneva activities of Nancy Reagan and Raisa Gorbachev would be of considerable interest to women (November 16).

"I don't think he meant for it to be interpreted in that way at all. He was adding to that interest, that they also had an interest in children and a human touch. I think that I know his view on the entire subject better than most."

—Reagan defending his chief of staff (November 20).

The Evil Empire

"Imagine if people in our nation could see the Bolshoi Ballet again, while Soviet children could see American plays and hear groups like the Beach Boys. And how about Soviet children watching 'Sesame Street'?"

—Reagan proposing a cultural exchange (November 14).

Dog Heaven

"Dog heaven–688 acres–won't have to have a leash on her."

—Reagan to reporters who tried to ask him about his tax-reform bill and his farm bill (November 26).

"I'm concentrating on dog heaven."

—Reagan to reporters who tried to ask him about his tax-reform bill and his farm bill (November 26).

Seen Any Good Movies Lately?

"Boy, after seeing *Rambo* last night, I know what to do the next time this happens."

—Reagan waiting to go on television and announce the release of the TWA hostages (June 30).

A Modest Proposal

"You've got that whole expanse of ocean—it isn't as if you were looking at the ocean through a little frame, and now somebody put something in the way. And I once said to people that were complaining, I said, 'You know, we've got a lot of freighters, those liberty freighters, up in mothball. Why don't we bring down some and anchor them between the shore and the oil derrick? And then the people would see a ship, and they wouldn't find anything wrong with that at all."

—Reagan on how to solve the problem of unsightly oil derricks off the Santa Barbara coast (February 13).

Presidential Imprecision

"Well, it gives me great pleasure to welcome Prime Minister Lee Kuan Yew and Mrs. Yew to Singapore."

—Reagan welcoming Singapore Prime Minister Lee Kuan Yew and his wife, Mrs. Lee, to Washington (October 8).

"They have eliminated the segregation that we had in our own country, the type of thing where hotels and restaurants and places of entertainment and so forth were segregated—that has all been eliminated."

—Reagan on the situation in South Africa (August 24).

"In December, when I looked north from the White House, I would see the huge menorah celebrating the Passover season in Lafayette Park."

—Reagan discussing the importance of religion in the lives of most Americans (February 4).

"We would not deploy . . . until we sit down with the other nations of the world, and those that have nuclear arsenals, and see if we cannot come to an agreement on which there will be deployment only if there is elimination of nuclear weapons."

—Reagan apparently telling Soviet journalists that Moscow would ultimately decide whether or not the United States would deploy a space weapons system (October 31).

"Presidential imprecision."

—Larry Speakes clarifying Reagan's statement on SDI. (November 5).

But Seriously, Folks

"Nuclear war would be the greatest tragedy, I think, ever experienced by mankind in the history of mankind."

—Reagan (March 6).

Paul Slansky

Paul Slansky is a New York writer specializing in President Reagan.

How do they do it?

Japan's Smart Schools

JAPANESE SCHOOLS HAVE a mixed reputation among American educators. On one hand, there is a certain admiration based on the fact that Japanese students consistently place first in international comparisons, especially in mathematics and science, far ahead of American students. On the other, it is widely believed that their academic success relies almost exclusively on rote memory and a rigid curriculum. Many American educators think

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that the Japanese have purchased achievement by squelching individuality and creativity.

The Japanese have encouraged a degree of smugness among Americans by their own humility. During the past two years, teams of Japanese educators have been touring American schools, eager to learn how we encourage the development of unusually gifted children. In addition, as I discovered in a recent trip to Japan, their educational leaders typically downplay their remarkable record of academic achievement and focus instead on their problems, such as "school violence." (In fact, their discipline problems pale in comparison to ours; they worry about children who "bully the weak," while we worry about children who assault or kill others.)

Many scholars have concluded that there is a causal link between the success of the Japanese economy and the extraordinary effectiveness of the Japanese educational system. The Japanese work force is reputed to be the most literate and skilled in the world. Merry White of Harvard wrote last year that "any worker on the factory floor can be expected to understand statistical material, work from complex graphs and charts, and perform sophisticated mathematical operations."

The average high school graduate in Japan is said to be as well educated as the average college graduate in the United States. Our high school graduation rate is about 75 percent; theirs is 90 percent. Their achievement even at the elementary level is striking: a study last year by Harold Stevenson of the University of Michigan compared American and Asian children learning mathematics; by fifth grade, the *worst* Japanese class in the study was ahead of the *best* American class.

How do they do it? It's easy enough to identify the factors that cannot be transferred to American soil. Japan is culturally and racially homogeneous; it does not have large numbers of immigrant and minority children to educate as we do. Yet it would be dismal if American educators were to conclude that a pluralistic society cannot educate all children. Surely education is more complicated when children come from diverse cultural backgrounds, but experience has repeatedly shown that children from immigrant and minority families are capable of learning.

JAPAN has a culture that prizes education. Although Japanese expenditure for education is about the same as ours, respect for education as a positive good permeates Japanese life. Japanese mothers are world-famous for stressing, reinforcing, and demanding good education. Harold Stevenson found in his cross-cultural study that whereas Japanese parents are quite critical of the quality of their schools, even when they are producing outstanding results, American parents tend to be satisfied even when their children's schools are ineffectual.

Not only do the Japanese believe in education as a route to individual and social advancement, they believe that disciplined effort, *hard work*, brings rewards. Japanese children go to school for 240 days a year (compared to 180 days here), including Saturday mornings. The average Japanese student does two hours per day of homework, compared to half an hour for the average American student.

Perhaps the least attractive feature of the Japanese system is its nearly obsessive emphasis on the national college-entrance examination. Competition to enter the most prestigious universities is fierce and depends almost entirely on the national examination. Students attend cram schools to prepare, and some take the examination year after year in hope of making it into the right university.

Most of the bad press that Japanese education receives in this country is caused by the negative features of what is known in Japan as "examination hell." Some Japanese educators attribute the nation's high rate of youth suicide to intense pressure by parents, peers, and teachers to get into the right college. There is nothing comparable to "examination hell" in the United States, nor is there likely to be. Good students here choose among many outstanding institutions, both private and public (some of which are short of students); and admission to college depends on many factors (recommendations, extracurricular activities, high-school grades), not a single exam.

THE Japanese school system has been influenced by us in the past, and we should not be reluctant to learn from their practices. The most important principle in Japanese education is that all children should receive education of the highest quality. Every year, from grades one through nine, all Japanese children study language and literature, social studies, mathematics, science, art, music, physical education, and moral education. During this period, there are few, if any, electives. Children begin a foreign language in the seventh grade (usually English), and most continue to study it for six years.

Children are not divided into ability groups, or placed in curricular tracks like ours (academic, vocational, general). There is a national curriculum, defined in detail by the Ministry of Education. In every subject, the curriculum is carefully sequenced, like a series of building blocks. What is learned in first grade provides the foundation for what is learned in second grade, and so on through the grades. According to the school principals I talked to, slow learners get extra attention from teachers, both during the school day and after school as well.

To an American observer, accustomed to the variations and idiosyncratic practices among our 15,000 school districts, the Japanese approach seems at first startling. But the initial impression that the curriculum is rigid and inflexible is misleading. The Japanese appear to have perfected the idea of a developmental curriculum, carefully tied to the interests and intellectual capacity of children; we sometimes call it "mastery learning." Nothing is left to chance, although a great deal is left to the teacher's ingenuity and skill.

In science, for example, the emphasis is not on rote memory, but on observation, experimentation, field trips, and direct experience. In first and second grades, children raise plants and animals; observe the physical principles of magnetism, shadows, and the weather; and perform sim-

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ple experiments with toys, light bulbs, and other everyday objects. From third grade on, the science curriculum centers on three topics: "living things and their environment"; "matter and energy"; and "the earth and the universe."

IN CONTRAST to this well-planned curriculum, which stresses understanding and inquiry and imparts a solid foundation of scientific knowledge, many of our students have little or no science in the elementary years. In American elementary schools, the availability of science depends on whether there is a specialist available and on whether the regular teacher has any science background. Studies have shown that most are not comfortable teaching science.

The same attitude can be found in Japan's teaching of art and music, which are treated as basic subjects, required for all students throughout their years of compulsory education. In music, students at every grade level learn to listen and to perform. The object is to encourage a love for music, or as the first-grade curriculum puts it, "to make life bright and pleasant through musical experience." By the end of sixth grade, every student plays at least two instruments. Beginning in the second grade, children learn to read music. I observed a sixth-grade class where the children were listening to the fourth movement of Beethoven's Third Symphony and writing its theme in musical notation. In the United States, I would expect to see such a class in a college-level music course or in a magnet school for the musically gifted, but not in an ordinary public school.

Art too is a basic, not a "frill." Learning to produce beautiful things for use and ornamentation and learning how to look at an object and understand its beauty are integral to every child's education. Children draw, paint, sculpt, and carve. They are encouraged to express their ideas and feelings about their productions. Developing an aesthetic sense appears to be as much a part of the curriculum as learning about nature.

The classes I observed at the elementary and junior high school levels did not involve rote learning. Teachers asked questions, and students responded enthusiastically. The Japanese succeed in schooling their population because they take education seriously. They believe that it is important for everyone to learn language, science, mathematics, social studies, art, and music, and to learn them very well. By contrast, the American approach is exemplified by a recent statement from the National Association of Secondary School Principals ("An Agenda for Excellence at the Middle Level"), which called on junior high schools to "recognize that the young adolescent is interested in 'virtually everything, but nothing very much,' by providing adequate exploratory programs that introduce students to a variety of topics, skills, and content fields without requiring mastery." The same kind of thinking has produced curricular anarchy in the high schools. Arthur G. Powell, Eleanor Farrar, and David K. Cohen have referred to this phenomenon as "the shopping mall high school" (the title of their recent book), where students pick their way through an "astonishing variety" of electives, subjects, and curricula, with few adults prepared to say "what is educationally or morally important."

It may be that the cultural differences make it impossible for us to learn anything from the Japanese example. But surely our continuing failure to educate large numbers of children in the inner city, where dropout rates approach (and sometimes pass) 50 percent, should make us willing to ask whether our present approaches make sense.

DIANE RAVITCH

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The enemies of Social Security.

FLAWED FIXES

IN 1982 a presidential commission chaired by Alan Greenspan undertook one of history's great rescue operations, the stabilization of the Social Security program. Following the commission's recommendations, Congress pared benefits, increased payroll taxes, made half of Social Security benefits taxable for affluent retirees, phased in a higher retirement age, and modified the cost-of-living escalator, so that Social Security benefits can increase only as fast as the growth of real wages (which are the source of Social Security revenue).

The result was to create a large surplus in the Social Security accounts for the next 20 years, during which time new baby boomers in the work force will offset new retirees of the previous "baby-bust" cohort. By the time baby boomers retire, after 2010, the retirement age will have been raised, and higher payroll taxes put in place; presumably Social Security will be in good physical shape well into the 21st century.

Still, if Social Security is stable financially, it remains unstable ideologically and politically. The program is substantially redistributive in its impact, but universal in its coverage; it exacts no degrading means tests. As such, it has always been resented by conservatives, especially now when privatization is so in vogue. And politically, a lot of younger voters are growing skeptical about its worth.

The conservative critique of Social Security is fourfold. First, it is argued, people would be better off if they could invest their payroll deductions, rather than having them compulsorily collected by the state. Citizens would be more "free to choose"; and they might well be financially better off. Second, conservatives contend that Social

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Security was too good a deal for the first generation of pensioners, and a bad deal for young people just entering the work force. The founding generation got to pay very low taxes, but reaped rising benefits in inflation-sheltered dollars. The younger generation, in contrast, must pay very high payroll taxes, and will collect benefits that cannot possibly keep pace, because the ratio of workers to retirees keeps falling. Third, despite the 1983 congressional restructuring, Social Security is held to be economically destructive. It supposedly depletes the savings rate, drags down economic growth, and cannot possibly fulfill its promises without a confiscatory rate of tax. Finally, it is argued that Social Security is redistributive the wrong way; it taxes working people, many of whom are poor, in order to pay the elderly, many of whom are rich. (See "Social Security Rip-off" by James Dale Davidson, November 11.)

THE REMEDY, for conservatives, is to privatize retirement income, as much and as fast as possible, and to let Social Security gradually metamorphose into a means-tested program for the certifiably needy. Peter Ferrara of the Cato Institute, formerly at the Reagan White House, is a prime exponent of this view. He wants to create a "super-IRA," even more tax-sheltered than the present IRA, and allow people to opt out of Social Security.

Politically, the danger to Social Security is not that such proposals will be taken seriously in the short run, but that as the upper-middle-class public gradually comes to rely on IRAs, Keogh plans, so-called "401-Ks," private pension plans, and similar tax-subsidized private retirement schemes, the broad constituency for Social Security will gradually erode. The tax subsidy to privatized retirement schemes will exceed $100 billion in 1986. Over half of all newly retired couples have retirement income from private pensions.

Those critics who are wringing their hands about the distributive inequities of Social Security would do well to consider the topsy-turvy distributive effects of tax-subsidized *private* retirement. Social Security is regressive in the way it collects taxes, but highly progressive in the distribution of its benefits. But the tax subsidy to private retirement schemes is 100 percent regressive. The average recipient of a private pension is far more affluent than the average retiree. IRAs are ubiquitous among upper-income professionals, but are used by less than 20 percent of people with incomes below $18,000. And Keogh plans and 401-Ks are used primarily by doctors, lawyers, and independent business people with enough discretionary income to shelter. A $100,000-a-year lawyer who socks away $15,000 in a Keogh plan needs to pay income tax on only $85,000. The tax that he didn't pay is paid by all those low-income workers straining under the burden of Social Security payroll taxes. Indeed, the $20,000-a-year worker pays both Social Security and income tax on all his earnings; the $100,000 professional who shunts part of his income into tax-sheltered savings pays neither tax on those earnings.

We have slipped into a multi-tiered retirement system in which the haves are being subsidized by other taxpayers to provide for their own retirement, while the have-less class is still very heavily dependent on Social Security. There is a real emerging danger to the public program. As the upper-middle class comes to rely more heavily on tax-sheltered private income schemes, Social Security will loom smaller.

Most of the conservative criticisms of Social Security are primarily ideological, not factual. Economically, there is no proven effect of Social Security on savings rates. Europe has a much more generous social security system and much higher private savings too. Fiscally, Social Security should be quite stable well into the next century, thanks to the 1983 amendments, and if wages moderate so will Social Security payouts. My generation will indeed get a lower return from Social Security investment than my parents' did, but that was by design. The program's designers recognized that payouts would have to be adequate to coax older workers out of the work force, even if the first generation had not paid a full measure of premiums. In a sense, that first generation paid its dues in the Great Depression.

The one element of the conservative critique that has real power, though, is the last one. Payroll taxes, especially on the working poor, are too high, and indefensibly regressive. Rich retirees do get Social Security benefits (though only about ten percent of Social Security recipients earn even $25,000, and rich retirees get even more subsidy via tax-sheltered retirement income). The young are indeed increasingly overtaxed, and skeptical.

But the remedy is to change the way we finance and tax Social Security, not to privatize the whole program. A big exemption on income subject to payroll tax, or a partial shift of Social Security finance to general revenue sources, or even to a value-added tax, would solve the regressivity problem. Making Social Security checks fully subject to the income tax above a moderate income threshold—say $15,000 a year—would deal with much of the millionaire problem.

As the upper-middle class relies more heavily on retirement income, defenders of Social Security need to shore up the program's political vulnerability. Defenders need as allies today's young workers, and those workers deserve a financial break. Why not remove some of the tax subsidy now going to economically inefficient private retirement schemes such as the IRA, and use the money to reduce payroll taxes on moderate-income workers? And why not fully tax Social Security benefits, the same way we tax private retirement benefits?

With its flaws, Social Security remains a successful and efficient form of social income. It has allowed tens of millions of working Americans to enjoy a dignified retirement. It has reduced the poverty ratio of elderly people to that of the general population. In evaluating the criticisms of Social Security and its remaining flaws, one always needs to ask: Is the critic out to perfect the program or to dismantle it?

ROBERT KUTTNER

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Who's right about the Constitution?

MEESE V. BRENNAN

BY STUART TAYLOR JR.

> An activist jurisprudence, one which anchors the Constitution only in the consciences of jurists, is a chameleon jurisprudence, changing color and form in each era.
>
> The Constitution . . . is a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please.
>
> If the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made . . . the people will have ceased to be their own rulers.
>
> The Court . . . has improperly set itself up as . . . a superlegislature . . . reading into the Constitution words and implications which are not there, and which were never intended to be there. . . . We want a Supreme Court which will do justice under the Constitution—not over it.

SOUNDS LIKE Ed Meese, doesn't it? Well, the first quotation is the attorney general's. But the second comes from Thomas Jefferson, the third from Abraham Lincoln, and the fourth from Franklin D. Roosevelt. When Meese assails government by judiciary, he is in good company.

Meese has denounced major Supreme Court rulings of the past 60 years and called for judges to look to "the original meaning of constitutional provisions" as "the only reliable guide for judgment." No attorney general in the past four decades has set out so deliberately to reduce the power of the judiciary or to screen the ideological credentials of new appointees.

Champions of liberal judicial activism have launched a ferocious counterattack. Justices William J. Brennan Jr. and John Paul Stevens retorted with pointed critiques of Meese's so-called "jurisprudence of original intention." Brennan said it was "arrogance cloaked as humility" for anyone "to pretend that from our vantage we can gauge accurately the intent of the Framers on application of principle to specific, contemporary questions." The real animus of advocates of this "facile historicism" he said, is a "political" agenda hostile to the rights of minorities.

Meese is certainly vulnerable to this sort of attack. He seems less a constitutional philosopher than a constitutional window-shopper, seeking to dress up his conservative political agenda as a principled quest for truth. His notion that judges can answer the hard questions raised by the Constitution without being "tainted by ideological predilection," simply by plugging in the intent of the Framers, is at best simpleminded and at worst disingenuous. When the Framers' intentions *are* clear, but contrary to a result Meese wants, he ignores them. While calling for restraint in the exercise of judicial power—especially enforcement of civil liberties—he pushes to aggrandize executive power.

Along the way, he has said some revealing things. "You don't have many suspects who are innocent of a crime," he told *U.S. News & World Report*. "That's contradictory. If a person is innocent of a crime, then he is not a suspect." This from a man who was himself suspected of several federal crimes until a special prosecutor cleared him last year—a man who then billed the government $720,824.49 for his defense lawyers. (He later confessed to a "bad choice of words.")

Meese also assailed as "intellectually shaky" and "constitutionally suspect" the Court's 60-year-old doctrine that most of the Bill of Rights, originally applicable only to the national government, was applied to the states by the 14th Amendment. Eminent Supreme Court justices criticized the doctrine too, but that was decades ago. When a Supreme Court ruling has "been affirmed and reaffirmed through a course of years," Lincoln said in 1857, "it then might be, perhaps would be, factious, nay even revolutionary, not to acquiesce in it as a precedent."

Nevertheless, the standard liberal retort to Meese is superficial. It caricatures his position as more extreme than it is. It ignores the long and honorable history of political attacks on judicial usurpation of power. Most important, its scorn for the "original intention" approach begs the question of where—if not from those who wrote and ratified the Constitution and its amendments—unelected judges get a mandate to override the will of the political majority by striking down democratically enacted laws.

For all his fumbling, Meese has spotlighted some of the real problems with the freewheeling judicial activism sometimes practiced by people like Brennan. Among these is a tendency to "find" in the Constitution rights (such as abortion rights) and social policies that can honestly be found neither in the language of the document, nor in the records left by those who wrote it, nor in any broad national consensus that has evolved since then. This is bad constitutional law even when you like the policies, as I sometimes do.

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Meese deserves credit for bringing the deepest questions of constitutional law out of the law journals and into the newspapers. He surely has a political motive. But liberals who believe in democracy (anybody out there after two Reagan landslides?) should welcome the debate.

Too often liberals have taken the elitist view that ordinary voters are the natural enemies of civil liberties, and that only judges can be trusted to protect them. It is a shortsighted approach. As Justice Robert Jackson said four decades ago, "Any court which undertakes by its legal processes to enforce civil liberties needs the support of an enlightened and vigorous public opinion." Today most people confine their thinking about the Constitution to whether they like the policies the Court has decreed. The larger question of when courts should displace the ordinary policy-making role of elected officials gets little attention from anyone but law professors. Meese has begun to remind the public that in enforcing constitutional rights, federal judges are by definition restraining majority rule.

Within proper limits this is a noble function. Those who wrote the Constitution and its amendments saw them as bulwarks against oppression of minorities by a tyrannical majority. They specified certain fundamental rights shared by all Americans. They created special protections for minorities, especially blacks. They laid down these principles in majestic generalities meant to have continuing relevance in a changing society—freedom of speech, equal protection of the laws, due process of law. The federal courts—precisely because they are not answerable to the voters—are the logical bodies to enforce these rights against the majority.

Here, however, lies a difficult dilemma to which no wholly satisfactory solution exists. The Constitution being what the judges say it is, how can the judges be prevented from usurping the powers of elected officials and making political decisions? Meese's admonition to stick to original intent is only a starting point. The Constitution does tell judges to enforce certain broad principles such as "freedom of speech," but if these principles are to be enforced at all in a changing society, judges must supply much of their meaning.

The trouble is that judges of all political stripes have gone beyond applying the Constitution's principles to new circumstances. They have written their own moral and political values into it, pretending to have found them there. Sometimes they have "interpreted" the Constitution to forbid things explicitly allowed by its language.

TAKE BRENNAN, a hero to liberals—deservedly so—and Meese's principal foil in the current debate. In his speech belittling "original intention" theorists, Brennan denied writing his own views into the Constitution. "It is, in a very real sense, the community's interpretation that is sought," he said. "Justices are not platonic guardians appointed to wield authority according to their personal moral predilections."

But he gave these words a hollow ring when he explained why he always votes to strike down death penalty laws. He said they violate "the essential meaning" of the Eighth Amendment's prohibition against cruel and unusual punishment by denying "the intrinsic worth" of the murderers who are executed. Now, Brennan knows perfectly well that those who wrote that amendment had no intention of banning the death penalty, which was common at the time and was explicitly recognized in the Fifth and 14th Amendments.

So whence comes his mandate for invalidating the death penalty? "I hope to embody a community striving for human dignity for all, although perhaps not yet arrived," he explained. Translation: my moral convictions on this issue are so strong I would override the laws adopted by the people's elected representatives any way I could. Brennan admitted that most of his fellow countrymen and justices think the death penalty constitutional. As Judge Robert Bork has put it: "The truth is that the judge who looks outside the Constitution looks inside himself and nowhere else."

WELL, what's so bad about that? If elected officials don't have the decency to end the death penalty (or antiabortion laws, or minimum-wage laws, or whatever else offends you), why shouldn't the judges do it?

The most important answer is that judicial legislation erodes democratic self-government. It converts judges into an unelected and illegitimate policy-making elite. Indeed, its more radical exponents evince a deep antipathy for the democratic process. But as Felix Frankfurter said, "Holding democracy in judicial tutelage is not the most promising way to foster disciplined responsibility in a people."

Defenders of judicial activism like to point out the vagueness of the Constitution's words and the futility of the quest for consensus on original intention. "And even if such a mythical beast could be captured and examined, how relevant would it be to us today?" asks Harvard law professor Laurence Tribe. He dismisses as a dangerous fallacy the notion that judges can be significantly restrained by the Constitution's text or history. The Supreme Court, he says, "just cannot avoid the painful duty of exercising judgment so as to give concrete meaning to the fluid Constitution."

Well, perhaps. But why can't the Court do something many law professors barely deign to discuss? When the Constitution's language and history provide little or no guidance on a subject, why can't it leave the law-making to legislatures? Those who work so hard to prove that the Constitution cannot supply the values for governance of modern society seem to think it follows that judges must do it, with a little help from their friends in academia. But their argument rebounds against the legitimacy of judicial review itself. Bork poses a question for which they have no good answer: "If the Constitution is not law—law that, with the usual areas of ambiguity around the edges, nevertheless tolerably tells judges what to do and what not to do— . . . what authorizes judges to set at naught the majority judgment of the American people?"

The activist approach of amending the Constitution in

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the guise of interpreting it goes hand in hand with a certain lack of candor about the enterprise. A judge who acknowledged that his goal was to strike down democratically adopted laws by rewriting the Constitution would risk impeachment. So we hear a lot about "finding" in the Constitution rights that had somehow gone unnoticed for more than a century.

There is no reason to suppose that unelected judges, using theories concocted by unelected law professors, will make better policies over time than elected officials. Nor that they will make more liberal policies. Judicial activism is not a game played only by liberals. Conservative judges rode roughshod over progressive and New Deal legislation for several decades ending about 1937. "Never . . . can the Supreme Court be said to have for a single hour been representative of anything except the relatively conservative forces of its day," Robert Jackson wrote in 1941.

Franklin Roosevelt changed that, ushering in an era of liberal judicial activism. Now the tables are turning again. Reagan and Meese are filling up the lower federal courts with conservatives and hoping to do the same with the Supreme Court. "I dream of a conservative Supreme Court striking down most federal legislation since the New Deal as unconstitutional," writes conservative columnist Joseph Sobran. Liberals may soon rediscover the virtues of judicial restraint, and find themselves urging a Reaganized judiciary to practice what Meese has been preaching.

BRENNAN and other liberal activist judges deserve the applause they have won for thrusting upon the nation some policies that were also triumphs of constitutional principle. Desegregation is one example. Protection of the rights of poor criminal defendants is another.

But liberal activism has gone to dubious extremes. Take the case of the man who approached a policeman in Denver and said he'd killed someone. The policeman told him about his rights to remain silent and have a lawyer. The man said he understood and proceeded with his confession, leading police to the scene where he said he had killed a 14-year-old girl. The sometime mental patient later told a psychiatrist that the voice of God had ordered him to confess. The Colorado Supreme Court threw out the confession on the ground that it was compelled by mental illness, and therefore involuntary. If he is ever tried, neither the confession nor, presumably, the other evidence ("fruits" of the confession) will be admissible. And he may go free.

Such judicial excesses are giving constitutional rights a bad name. Ed Meese is not alone in his outrage at judges who free criminals on the basis of technical rules that protect only the guilty, especially where they have little to do with deterring police abuse. The more this sort of thing happens, the greater the danger that the considerable public backlash may build to radical reaction.

There will always be cases in which judges must let criminals go free, and must defy public opinion, to vindicate the constitutional rights of innocent and guilty alike. Their ability to do so suffers when they squander the reservoir of goodwill they need for such occasions. "Liberty lies in the hearts of men and women," Learned Hand wrote. "When it dies there, no constitution, no law, no court can save it."

JUDICIAL creation of new constitutional rights can also be mistaken even when much or most of the public approves. The best example is *Roe v. Wade*, the 1973 decision creating a constitutional right to abortion and striking down all state antiabortion laws. Abortion is one of the toughest moral issues around. If I were a legislator I might vote (with misgivings) to allow free access to abortion in the early stages of pregnancy, as the Supreme Court did. But the Court is not a legislature, and there is no plausible basis in the Constitution for it to take this issue away from the states, some of which had already legalized abortion before *Roe*.

Justice Harry Blackmun's opinion "found" a right to abortion within the vague, general "right to personal privacy." He said these rights were in the Constitution somewhere, though he was not sure where—probably the 14th Amendment's generalized protection of "liberty," maybe the Ninth Amendment. Blackmun (appointed by Richard Nixon) made no pretense that the Framers of these amendments intended to legalize abortion. History shows clearly that they did not. They were not thinking about abortion at all, although it was a familiar practice, illegal in some states, when the 14th Amendment was adopted. Nor do the words of the Constitution provide a shred of support for the detailed regulations the Court has drafted over time to curb state regulation of abortion.

Right-to-lifers are not the only people who deplore *Roe v. Wade*. Many liberal scholars—defenders of the pioneering Warren Court decisions so despised by Meese—have said the Burger Court went too far down the road of naked judicial legislation in that case. Among them are Archibald Cox, now retired from Harvard Law School, Dean John Hart Ely of Stanford Law School, and Dean Benno Schmidt of Columbia Law School, soon to be president of Yale. The abortion issue poses an excruciating clash between two moral imperatives: a woman's right to personal autonomy and protection of the unborn. Why every detail of local, state, and national policy on such a fundamental moral issue should depend on the personal philosophies of five or six judges escapes them, and me.

The disregard for the written Constitution that *Roe v. Wade* embodies is also a two-edged sword. President Reagan said in his debate with Walter Mondale that an unborn child is a living human being "protected by the Constitution, which guarantees life, liberty, and the pursuit of happiness to all of us." Well, there he goes again, quoting the Declaration of Independence and calling it the Constitution. But he was close enough: the 14th Amendment says no state may "deprive any person of life, liberty, or property, without due process of law." For those who believe a fetus is a "person" and abortion is murder, as Reagan does, it is possible to conclude that judges should strike down any state laws that allow it. Farfetched? Well, what if a state excluded homosexuals or handicapped children from the protection of its murder laws?

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NONE OF THIS means Meese's own approach to constitutional interpretation is adequate. It isn't. For starters, there is little evidence he has given the subject much thought. Beyond the high-sounding, platitudinous stuff about the Framers in the speeches his aides have written for him, he has had little specific to say about what he thinks their intentions were, or how broadly these intentions should be read. There is enormous room for disagreement here. The most important constitutional phrases, like "equal protection of the laws," are sweeping, vague, and only dimly illuminated by history.

Meese has tiptoed away from some of the few specific things he has said, including his attack on the doctrine that most of the Bill of Rights applies to the states through the 14th Amendment. It appeared in the written text of his July 9 speech to the American Bar Association. For some reason he omitted this point when he read the speech aloud. Moments afterward, reporters bearing tape recorders asked Meese whether he thought the Court had gone too far in applying the Bill of Rights to the states. "No," he responded. "I, well, I think this is something that's been done in 1925 and since, and so I don't think, ah, ah, I think, I do not have any particular quarrel at this stage of the game with what the Court has done in the intervening 60 years." Will the real Ed Meese please stand up?

Meese has stuck to his guns in denouncing as "infamous" major decisions upholding the rights of criminal defendants. One of his least favorites is *Mapp v. Ohio* (1961), which extended to the states the "exclusionary rule" barring use of evidence seized in violation of the Fourth Amendment. Meese has said *Mapp* helps only "the guilty criminal," and has suggested abandoning the exclusionary rule in state and federal cases alike.

But Meese seems to have forgotten *Boyd v. U.S.*, which Justice Louis Brandeis said "will be remembered as long as civil liberty lives in the United States." The 1886 decision was the Supreme Court's first major Fourth and Fifth Amendment ruling. Unlike modern rulings, it was explicitly based on a detailed study of the Framers' intentions. *Boyd* held that the Framers intended the Fourth Amendment's ban on "unreasonable searches and seizures" to prohibit *all* governmental attempts to obtain a person's private papers or other property—even by warrant or subpoena—and to forbid their use as evidence to convict him. Innocence or guilt was irrelevant to this determination. The Court's confident assertion that this was the Framers' intention was based on a reading of their natural rights philosophy, on 18th-century case law, and on the fury at sweeping British searches that helped fuel the American Revolution.

If *Boyd* were the law today, it would place far greater restrictions on police than any imposed by the Warren Court, which Meese has denounced for its "expansive civil libertarianism." The modern Court, unwilling to restrict official power so severely, has abandoned this broad vision. Its use of the exclusionary rule as a limited deterrent to police abuses is a pale remnant of the expansive rights the Court saw in the Fourth Amendment 99 years ago.

Meese's contention that the exclusionary rule helps only guilty criminals is demonstrably false. Of course, exclusion of improperly obtained but reliable evidence helps only the guilty in the immediate case at hand. But if officials knew they could search everyone indiscriminately and use any evidence they found, a lot of innocent people would be victims of illegal searches. The only way to take the profit out of police abuses is to bar use of the evidence found. This means letting some guilty criminals go free. It is one thing to say this is too high a price to pay in cases in which police inadvertently cross the line between marginally legal and marginally illegal searches. It is quite another to let officials use any and all illegally obtained evidence, as Meese would.

Meese's selectiveness in applying original intention is not limited to criminal law issues. If he really believed the Framers' specific intentions are "the only reliable guide for judgment," he would have to condemn *Brown v. Board of Education*, the landmark 1954 decision desegregating public schools. Anybody who did that today would be assailed as a segregationist crank. Meese recently applauded *Brown* as a case study in finding the original intention of the post-Civil War 14th Amendment. "The Supreme Court in that case was not giving new life to old words, or adapting a 'living,' 'flexible' Constitution to new reality," he declared. "It was restoring the original principle of the Constitution."

That's nice, but it's not true. The Congress that wrote the amendment had no intention of outlawing segregation, as Raoul Berger, Alexander Bickel, and others have demonstrated. The same Congress segregated its own Senate gallery and the District of Columbia schools, and rejected various desegregation bills. What the Court saw nearly 90 years later was that state-enforced segregation, relegating blacks to inferior schools and other facilities, had made a mockery of the 14th Amendment's central purpose: to put blacks and whites on an equal footing before the law. So the Court gave "new life to old words," to use Meese's mocking phrase, and threw out segregation.

THE SAME CONGRESS that drafted the 14th Amendment also passed some special welfare programs for recently freed slaves and other blacks in the South. These were, in modern parlance, affirmative action programs involving racial preferences for blacks—sort of like the government hiring quotas that Meese has declared in violation of the 14th Amendment. Congress specifically excluded whites from some of these programs. Among them were federally funded, racially segregated schools for blacks only—a single program that contradicts the Meese view of the 14th Amendment's original intention on segregation and affirmative action alike. These programs were passed over the Meese-like objections that they discriminated against whites and included some blacks who were not personally victims of discrimination. But Meese's Justice Department, checking its slogans about judicial restraint at the door, has urged the Supreme Court to strike down every local, state, and federal government affirmative action program in the nation that prefers black em-

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ployees over whites. Right or wrong, Meese's position on affirmative action is at war with his preachings about strict adherence to original intention.

The same is true of his position on a lot of issues. Many of the powers that his Justice Department exercises daily—reaching into every community with its wiretaps, its informers, its subpoenas—would have horrified the Framers. They feared centralized power more than anything but anarchy. They sought to limit severely the national government's law enforcement powers, leaving to state and local authorities jurisdiction over the all but genuinely interstate crimes.

What would Meese do about the strong historical evidence that the Framers intended to deny the government the power to issue paper money, which they saw as a threat to propertied interests? What about their intent to bar the president from launching military expeditions without congressional approval, except to repel attacks on United States territory?

And what about the First Amendment's religion clauses, as expounded by Joseph Story, a 19th-century justice whom Meese sometimes quotes on original intention? "The real object," Story said, "was not to countenance, much less to advance, Mahometanism, or Judaism, or infidelity, by prostrating Christianity; but to exclude all rivalry among Christian sects." Meese buys the "infidels" part when he says the Framers would have found "bizarre" the notion that government may not favor religion over nonreligion. He ignores the rest, of course. Any official who argued today that only Christians are protected by the religion clauses would be drummed out of office, and properly so.

The broader point is that sticking to the Framers' immediate goals as closely as Meese sometimes suggests is neither possible nor desirable. If *Brown v. Board of Education* was right, and it was, then a "jurisprudence of original intention" worthy of respect cannot mean enforcing constitutional rights only in the specific ways envisioned by the Framers. Such an approach would doom these rights to wither with the passage of time. The Framers' central purpose of preventing abuse of minorities would be strangled by narrow-minded attention to their more immediate concerns. As for the possibility of updating the Constitution by the formal amendment process, this takes a two-thirds majority in each house of Congress and approval by three-fourths of the states. Such majorities could rarely be mustered to deal with new threats to the rights of minorities.

NEW technologies such as wiretapping threaten liberties the Framers enshrined in ways that they could not have imagined. And the changing nature of society poses threats that the Framers did not foresee to the constitutional principles they established. Take libel law. Million-dollar libel suits by public officials were not prevalent in the 18th century, and it is fairly clear that the Framers did not intend the First Amendment (or the 14th) to limit private libel suits as the modern Court has done. But they did intend to protect uninhibited, robust, and wide-open debate about public affairs. And it seems to me proper for the Supreme Court to effectuate that broad purpose, in this litigious era, by imposing some curbs on libel suits.

Am I slipping into the kind of judicial revision of the Constitution I just rejected? I don't think so. There is a middle ground between narrow adherence to original intention and freewheeling judicial legislation. As Chief Justice John Marshall said in a famous 1819 decision, the Constitution is not a code of "immutable rules," but rather the "great outlines" of a system intended "to endure for ages to come, and, consequently, to be adapted to the various crises of human affairs." But it is for elected officials, as he said, to do most of the adapting. Judges should invalidate democratically enacted laws only, in John Ely's words, "in accord with an inference whose starting point, whose underlying premise, is fairly discoverable in the Constitution."

THIS APPROACH will often set only loose outer boundaries around the Court's options in deciding specific issues. It requires judges in close cases to draw fine lines. And it does not pretend to purge their moral and political convictions entirely from the process. But its recognition that the Constitution imposes some bounds on judicial power—limits fleshed out more clearly by the accumulation of precedent—would channel the growth of the law in a more principled and therefore more legitimate direction.

At the outer limits of legitimacy are those cases in which the justices read into vague constitutional phrases like "due process" an emerging social consensus that seems contrary to the particular intentions of the Framers. This goes beyond applying old principles to new circumstances, and gets into tinkering with the principles or creating new ones. I think the Supreme Court should do it in a few rare cases, nudging society to progress in the common law tradition of gradually evolving principles against a background of continuity.

Brown v. Board of Education was such a case. It struck at the heart of a great evil. Though departing from the particular plans of the Framers, it honored their deeper, nobler intentions. And though overriding the democratic process, it crystallized an emerging national consensus that legally compelled racial segregation was unacceptable in modern America. That is the difference between judicial activism and judicial statesmanship, and why most of the fiercest critics of judicial activism don't dare criticize *Brown* today.

But the Court should attempt to lead only where the nation is prepared to follow. The creation of new constitutional values is a slippery slope, down which the courts should not travel too far too fast. At the bottom lies the kind of uninhibited and essentially lawless judicial legislation that Bork has justly assailed. The urge to do good is powerful, the urge to court greatness intoxicating. Judges should resist the sincere, but arrogant, assumption that they know best. Brandeis's words, aimed at Ed Meese's ideological predecessors, should also be heeded by his ideological adversaries: "The greatest danger to liberty is the insidious encroachment by men of zeal, well-meaning but without understanding." □

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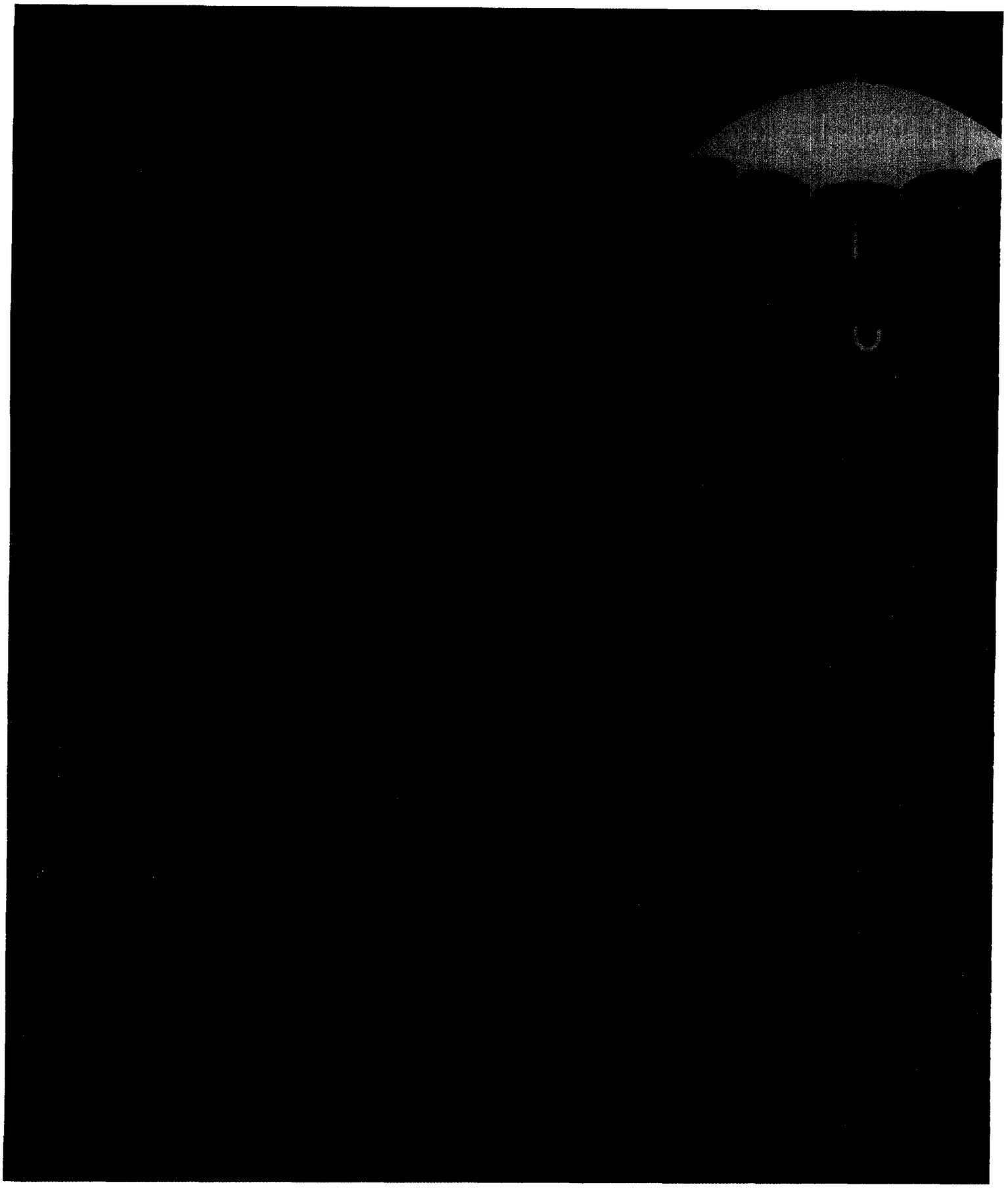

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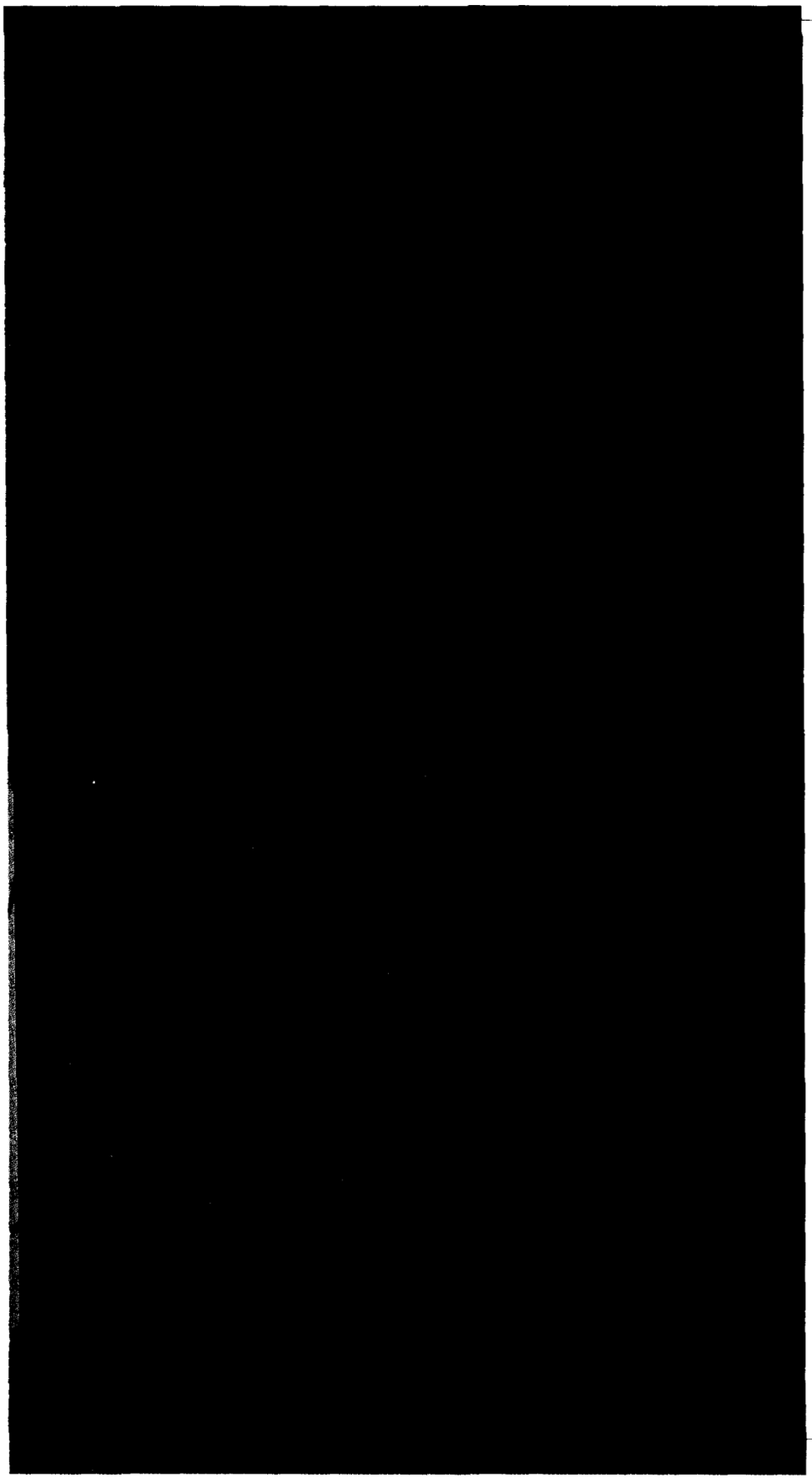

STORMY WEATHER AHEAD FOR THE AUTOMATED OFFICE

In 1945, the U.S. Navy was putting the first digital computer through its paces. Suddenly, for no apparent reason, the room-sized machine broke down. After a long search, technicians discovered the cause. Deep within the machine, crushed between the points of a relay, was a moth.

"Bugs" have bedeviled Computer Man ever since.

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Yet, for all this progress, the business that trusts its affairs to computers may

– continued on next page

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continued from preceding page

be more at risk today than at any time in the last 40 years.

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More disturbing: *business machines no longer fail alone.*

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What's to be done? Must whole companies now be hostage to the performance of machines? Below, AT&T digs into the issues and finds reason for optimism—as well as alarm.

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HITCH. The hitch in all this is that few companies live in an all-AT&T world. Few live in an all-*anything* world. More and more of today's office systems rest on a fragile ecology of devices from *many* vendors.

Vendor A may know his own stuff inside out. Ditto for Vendor B. But when your system depends on a whole alphabet of vendors, who do you call? Who's accountable?

That was precisely the question a

"For all this progress, the business that trusts its affairs to computers may be more at risk today than at any time in the last 40 years."

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Vendor A may know his own stuff inside out. Ditto for Vendor B. But when your system depends on a whole alphabet of vendors, who do you call? Who's accountable?

major electronics firm put to AT&T last winter. This company had built up data and communications networks using lines and equipment from 7 vendors, including some of AT&T's chief rivals.

What the company wanted was one vendor that would stand accountable for the workings of every line and every switch they owned in 48 states.

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Small or large, no two of our customers are exactly the same.

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STANLEY KAUFFMANN ON FILMS

A Grand Finale

Ran, which means "chaos" in Japanese, is Akira Kurosawa's 27th film and, he says, his last; he is now 75. *Ran* is derived from *King Lear* in something of the same way that *Throne of Blood* (1957) was derived from *Macbeth*. Kurosawa had been planning the film for ten years, but because it would obviously be an expensive project, he had difficulties. It *was* expensive: the final cost was more than twelve million dollars, a record for Japan. *Ran* was ultimately made possible by the support of Serge Silberman, the Polish-born French producer who backed a number of Buñuel's later films. The film world owes Silberman a debt for enabling a great artist to do his final work. What a torment it would have been, teasing us forever, if, like Dreyer, Kurosawa had not been able to make his last planned film.

Ran
(Orion)

It is the 16th century. We see first, before the credits, pairs of mounted guards posted in different stations in high mountains. They watch carefully. Silence. Vastness. Suddenly a wild boar breaks from cover, and a hunting party led by Hidetora (the Lear figure) pursues.

This opening is pure Kurosawa—in one of his veins, anyway: it is immediately huge. And it implies some of the film's theme: Hidetora, who was once a triumphant warrior, is now in his old age warring against an animal. In a less happy way, it also epitomizes the film: a tense, large buildup leads to an action that is not quite commensurate.

The next scene, following the credits, is one of the most striking images in the film: the hunting camp where the killing of the boar is being celebrated. Within a square of fluttering painted cloths, Hidetora is seated at the center of a rectangle of figures. There he announces his decision to divide his three territories, his three castles, among his three sons. (For reasons soon clear, Kurosawa has changed them from the Shakespeare daughters.) He will live with one of the sons. Trouble boils immediately. Hidetora's Fool, nimbly played by a famous TV performer known (in Japan) as Peter, mocks Hidetora's decision much as Lear's Fool mocks his master. Hidetora does not budge.

Through the rest of the film, the relationship to Shakespeare fluctuates. The screenplay, which Kurosawa wrote with Hideo Oguni and Masato Ide, touches *King Lear* at numerous places: the banishment of Kent, the mad wanderings on the heath, the refuge in a hovel, the leap from a cliff that is not a cliff, the recognition scene, and more. But the center of the drama is drastically altered. The main subject of *Ran* is war. Shakespeare's Lear is driven mad and made homeless because he has outlived his life, has cut off love by prematurely bestowing his property on his children, and has thus seen what the quality of that love really was. (War follows later.) Hidetora is driven mad because the division of his territory quickly brings about terrible war between his sons, in the first battle of which his death is sought. The change is from the spiritual to the physical, from a grievous interior wound of faith to the shock of multiple killings, very nearly including his own.

This change, from the personal to the gigantically catastrophic, dictates the film's chief material. *Ran* is filled with fighting and killing and burning and beheading. It ranges from detail—a glimpse of a soldier with an arrow in his eye, a soldier holding his severed left arm in his right hand—to cavalry charges swirling and counter-swirling, to troops deployed across hills as if the world had been designed for battles and men created to enact them. Sometimes, as in the first major assault, the carnage is shown without sound—with music only—which, with Kurosawa's unsurpassable editing, renders it more horrible because it is both real and abstract. He has used a well-known technique of his in these battles: several cameras shoot a sequence simultaneously from different angles with different lenses; then he edits. The result is titanic action held firmly in the hand of a master.

But, in *Ran*, this mastery brings a reservation with it. Kurosawa's most distinctive use of war was on a much smaller scale, in *Seven Samurai*, whose climax was a battle between a band of outlaws and seven knights. That magnificent climax of a magnificent work is breathtaking but also deeply moving because, by then, we know those seven

FILMS WORTH SEEING

Fool for Love. Sam Shepard's imperfect but crackling play has been distended by his screenplay, then stuffed with Robert Altman's arty direction; but some of the crackle is left, especially in Shepard's own performance and that of Kim Basinger as the half sister who returns his crazy love. (Reviewed 12/23/85)

Shoah. This nine-and-a-half-hour documentary, whose title means "holocaust" in Hebrew, is both a unique film and a gigantic historical monument. Claude Lanzmann, the Frenchman who made it, shot 350 hours of film in 14 countries, interviewing witnesses of the Final Solution. (*Every frame was photographed after 1976: no archival footage.*) Survivors of the death camps, "innocent" bystanders who lived near the camps, Germans who aided in the extermination, along with others, create, with their own words, a work that belongs in every civilized human being's experience. (10/28/85)

Young Sherlock Holmes. A Spielberg production, well directed and acted. Schoolboy adventures of Holmes and Watson that predict their futures. Farfetched but fun. (12/30/85)

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men. In *Ran* no commander, let alone a soldier, becomes much more than a figure in a sanguinary ballet.

Part of Kurosawa's theme (not Shakespeare's) is that those who live by the sword die by the sword. Hidetora, who has warred much, doesn't himself die by the sword but his family and followers do. This concentration on fighting, this sparse attention to character, makes the relatively few personal scenes stand out. Commentators have already celebrated one such scene, tangentially derived from the Regan-Edmund affair, in which Lady Kaede (played by Mieko Harada), the widow of the oldest of Hidetora's sons, uses ferocious sex to sink her figurative claws into Jiro (Jinpachi Nezu), the second son, who was responsible for her husband's death. It's a strong scene; but it's greatly helped by the fact that it's one of the few scenes between two people in this long, turbulent film.

The character of Hidetora suffers for related reasons. He is treated much more as a figure than as a man. The performance by Tatsuya Nakadai, who did well with the double roles in *Kagemusha*, is ostensibly modeled on Noh theater and becomes a system of symbols. This presentational effect is heightened by Nakadai's makeup, which is patently paint. If everyone else, especially the older men, were treated the same way, it could be seen as a style. But only Nakadai is made up this way and is thus distanced not only from us but from those around him.

Perhaps this reaction will be called uncomprehending, Western. But the Kaede-Jiro scene is played like a passage from Zola and certainly leads us to expect some similarity of approach in the whole work. *Throne of Blood* established its ground and clung to it: not a translation of *Macbeth* but a Japanese rendition done in consistent style. *Ran* does not hold to one style. It has no obligation to reproduce Shakespeare, but it refers to *Lear* so often that it compels us to feel that it is missing the *Lear* mark.

An attempt to put *Ran* in a cosmic frame is implied by the frequent shots of the skies, in different moods, used principally as a reminder of humankind's smallness under the heavens. (At one point the Fool speaks a version of: "As flies to wanton boys . . .") Further, one of the last shots is of a scroll of Buddha that falls from a blind man's hand. This is not a light touch, and it is

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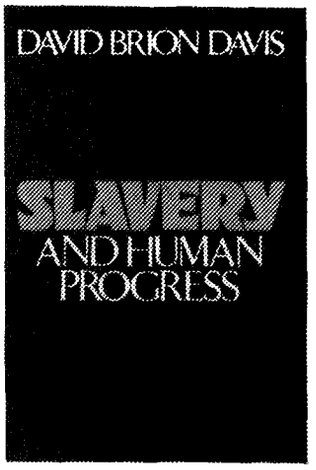

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made more distressing because it attempts to impose a retroactive theme.

The very last view is a long shot, then a longer shot, of that blind man, blinded by Hidetora long ago, on the parapet of a ruined castle, ruined by Hidetora long ago. *Ran* has reduced its Shakespearean original to a dramatization of the folly of war and the circular nature of cruelty. That is a large theme, but in relation to *King Lear* it is a reduction.

Kurosawa's energy seems to have shifted. An outstanding quality in his glorious career has been his unsentimental, almost brusque humanism, whether the film was historical or contemporary, whether there was much physical action or little or none. By the time he came to this last work, based on one of the world's masterpieces of character, his humanistic resources seem to have diminished; and he has relied heavily on the kind of creative energy that remains strong in him. Oddly, in an older man, it is the personal that has lessened and the kinetic, the physical, that is still vigorous. *Ran* concentrates on immense action because, I think, it is now easier for Kurosawa to deploy battalions than to deal with individuals.

Still, we are lucky that the film was made. Whatever its degree of success, only Kurosawa would have been able to do it; and now he has done it.

Geraldine Ferraro won't campaign for office. Her campaign is for myth.

ONCE UPON A TIME IN AMERICA

BY SIDNEY BLUMENTHAL

GERALDINE FERRARO declined to campaign for the United States Senate in order to mount an even more desperate campaign. She was driven to her decision by the pain principle. For when she made her reluctant announcement on December 11, she gave as her motive a Justice Department investigation of her finances. "I have absolutely no doubt," she said, "that I will be vindicated." Perhaps she will be. But what she ultimately would have risked in a bruising fight with the incumbent, Alfonse D'Amato, an expert in kidney chops, is still at stake. It is the myth of Ferraro—an apotheosis of both the immigrant and the feminist myths. The sacred history Ferraro is trying to establish may be threatened by the exposure of a profane past. Her campaign for eminence may turn out to be more arduous than a campaign for office, her status as a meta-historical figure more insecure than ever. The first and most important salvo in this campaign to preserve her iconography began with the publication of her book.

Some world-historical figures dream of going to the Finland Station. When Geraldine Ferraro was chosen as the first woman vice presidential nominee, she wanted to go someplace else. "I realized," she writes in her memoir, "I had a long night before me and had better go to the ladies' room."

Ferraro's book alternates between passages of self-trivialization and self-importance. Her writing is far more vivid indulging in the former than the latter. The ladies' room is a recurrent theme. On the campaign press plane, Ferraro thinks about it as reporters demand answers about her finances: "The only bathroom was in the rear. To use it I had to run the gauntlet of the press every time; they, of course, seized the opportunity to ask me more questions. The pressure was intense."

Ferraro: My Story
by Geraldine A. Ferraro
with Linda Bird Francke
(Bantam, 340 pp., $17.95)

The scarcity of female Secret Service agents contributed to Ferraro's concern, creating what she describes as a "minor crisis": "The agents would . . . have to 'secure' the ladies' room, going in and peering under the stalls to make sure there was no one lurking inside. . . . After a while I started going into the ladies' room ahead of them, bending down to check out the stalls myself and then yelling, 'All clear!' " (One can only hope that Jeane Kirkpatrick fills her forthcoming book with similarly revealing passages: "Blame America second. First . . .")

Reading *Ferraro: My Story* is a long day's journey into mindlessness. The author has the sure literary instinct for the intimate non sequitur. For example, her immediate worry after her selection was that her slip showed as she waved to the crowd. "Male candidates have it easy," she writes. "My problem as a woman was how to look vice presidential." What to wear? Her acceptance speech provoked what she calls "the first clothing controversy." She wanted to wear the white dress that "looked dynamite." But Joan Mondale was also "planning to wear white, a new suit she had bought just for the occasion." So Ferraro's daughters were "dispatched to the department stores." Six dresses were tried on, none would do. Back to the white one she "bought on Orchard Street." And guess what? "Nobody cared—least of all Joan Mondale."

On the basis of these extended portions alone, Ferraro's book might have been appropriately titled *To the Ladies' Room*. The taffeta touches must be seen as a calculated appeal to *Redbook* readers, an essential constituency if Ferraro is to make back her one-million-dollar advance for her publisher. Yet these superficialities appear no more calculating than the dull boilerplate on the issues. In these dreary paragraphs, Ferraro seems to have confused her current role as memoirist with that of her former role as Democratic platform chairper-

Sidney Blumenthal, the former national political correspondent of THE NEW REPUBLIC, is a staff writer for the *Washington Post*. His book on the American right will be published by Times Books next year.

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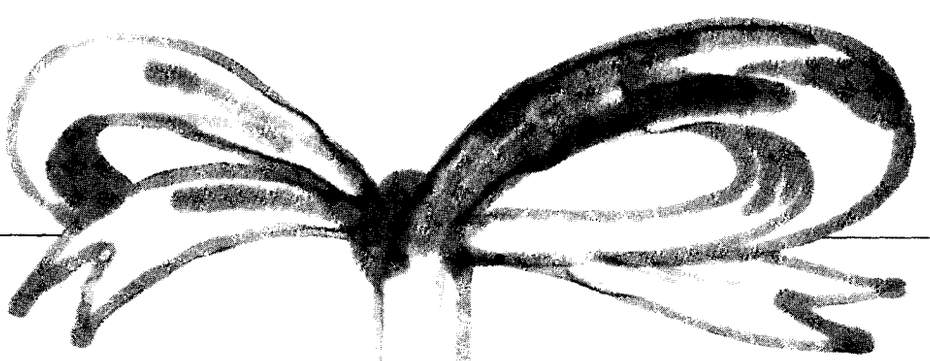

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son. Here Ferraro appears to be presiding over her ghostwriter, who has churned out much obligatory prose no one should feel obliged to read. This is where Ferraro really loses Bantam's advance.

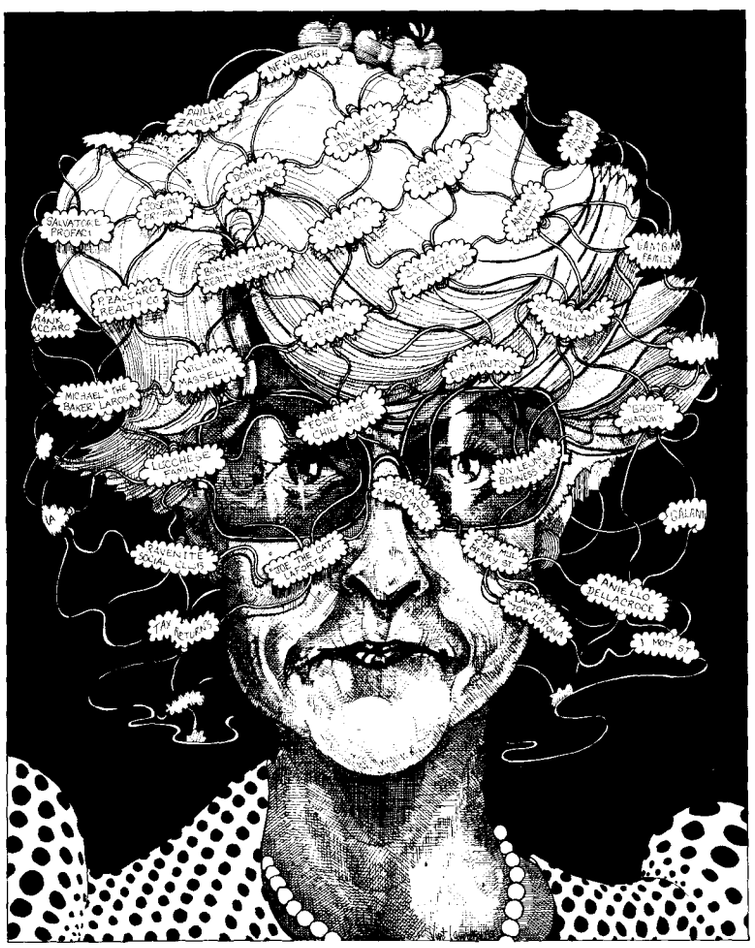
If she had difficulty during the campaign maintaining a consistent tone, wavering between "I Am Woman" and "Sono Femine" ("You people who are married to Italian men, you know what it's like"), Ferraro succeeds at last in her book. The campaign is portrayed like Scenes from a Marriage, a marriage in desperate need of a counselor. And she presents herself as the battered wife—the Tina Turner of the Democratic Party. Even her own memoir is more abuse heaped on her. "I never realized," she wails, "that writing a book would force me to relive the campaign over and over. . . ."

Ferraro defiantly claims her victimhood as proof of her innocence—political, moral, and economic. She insists on being judged by comparison with her wickedly motivated opponents. Then, she apparently believes, readers will identify with her story. And what a wonderful story it is! It is a pulsing immigrant saga, from Ellis Island to Fire Island, from black dresses to white. "For hundreds of years," she writes, "America had held out a promise to those who reached her shores: if you were willing to work hard and live by what you believed, you could earn your share of this country's great blessings."

Ferraro, however, is thin precisely as autobiography. The book is not a proper life and times. Her rise is duly noted and so are the obstacles to her further success, which are mostly blamed on an accursed sexism. But the problem of her parvenu splendor is glossed over as an inappropriate topic for inquiry. Her explanations of where all the cars and houses came from remain murky. She prefers that the subject not be changed from sex to money. She wishes that readers imagine the romance of her family's humble beginnings, not how she finally arrived.

Perhaps more than anyone else during the campaign year, Barbara Bush, the vice president's wife, recognized intuitively that Ferraro's vulnerability was her recently amassed capital. Mrs. Bush, expressing the resentment of established wealth, announced that she and her husband would not hide that they had money, "not like that four million dollar—I can't say it, but it rhymes with 'rich.' " In her assertion of social superiority, Mrs. Bush flung herself toward the gutter. By turning the central question about Ferraro into a question of manners, she helped to obscure it.

Yet Mrs. Bush seems to have grasped the problem more readily than the Mondale campaign. Though an effort was made to vet Ferraro, it was rushed and inadequate. The exigencies of the campaign, especially Mondale's weakness, dictated that he secure Ferraro as his running mate quickly. The speed, however, was not deliberate. And Ferraro was hardly an exemplar of cooperation. In her memoir, she tells the tale of campaign treasurer Michael Berman hurriedly flying to Queens to check the Ferraro-Zaccaro finances. At the time, the prospective candidate was preparing to leave for the San Francisco convention. She informed the anxious Berman that his visit was "inconvenient." Why? "I had made an appointment to get my hair cut. . . ." Would the new woman rather be bobbed than audited? To accommodate her, Berman flew in before her rendezvous with the hairdresser. Time was short, her hair was long. Or was there another reason for this avoidance drill?



DRAWING BY VINT LAWRENCE FOR THE NEW REPUBLIC

Dozens of questions about Ferraro's finances are still unanswered. These are not minor questions, the questions of political opponents seeking partisan advantage. Her principal defense was her ignorance, that she didn't know the details of her husband's business. This was why she claimed an exemption in a congressional financial disclosure statement that permitted her to avoid revealing John Zaccaro's holdings. Yet the House Committee on Standards of Official Conduct investigation reported that her own statements contained "numerous errors and omissions"; that "she failed to disclose or incorrectly disclosed a significant number of items relevant to her total financial concerns"; and that she "did not meet the three standards necessary for claiming the exemption from disclosure of her husband's financial interests."

All the important issues raised by the House report turned out unfavorably for Ferraro. Her finances are still largely an enigma. In her memoir, she presents herself like the hero in a Hitchcock film, entangled in a plot she doesn't understand but must unravel to be free of it.

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But the deeper one explores the Ferraro story, the less convincing she seems. Time and again, there are appearances by organized crime figures. Despite her personal attractiveness, her support of worthy causes, and her admirable compassion, her story can be understood only by taking the Mob milieu into account. Ferraro may be a paragon of legality, but this reality has been crucial to her life. What's love got to do with it?

Ferraro's acceptance of Walter Mondale's proposal apparently inspired her to think like Molly Bloom: "Yes, I decided. Yes." On Ferraro's night to remember, she was our bride, "the one standing in for millions and millions of American women." Her infatuation with the wedding overshadowed the plainness of the groom. When Ferraro awoke the morning after, the marriage was not what she expected. She felt she was being arbitrarily ordered around; submission was demanded. Mondale's insensitivity included asking her to travel to California, where he believed he might have a chance. No, she replied. Instead she wanted to "go over the issues first." (According to a senior Mondale campaign aide, Ferraro spent the evening after this meeting sobbing.) She began to have vivid daydreams about herself as a man. If she were Senator Lloyd Bentsen of Texas, "they would have said, 'OK, Senator, we'll see what we can do to accommodate you.' "

Yet this quandary did not descend upon Ferraro like a cosmic destiny, kismet at the Moscone Center. It was a fate she avidly sought. Her nomination was partly secured by a group of influential women politicos she calls "Team A": "They were friends. They were savvy. They were brilliant political tacticians." Just as Mondale conducted his campaign like a lobby, before he was shocked by Gary Hart in New Hampshire, those who wanted something from him followed his cue. So the Ferraro lobby badgered Mondale until he privately admonished its leaders to proceed more discreetly, please. He wanted to look strong and they were interfering. Let me do what you want without nagging me in front of everybody, he promised. Typically, Mondale showed scant self-awareness that he had helped set in motion the politics that revolved around him, at least according to the Ferraro account.

And yet Ferraro herself sees no irony when she is subjected to pressures from Jesse Jackson, the master of bait-and-switch demands. "Politics is filled with all sorts of power games," writes Ferraro. ". . . I don't play those games, and I don't want anybody playing them with me." ("Why am I working so hard for women and everyone is still mad at me?" Mondale lamented, after a meeting with the Ferraro lobby.)

As Ferraro tells it, the high-handed treatment by Mondale was merely a foretaste of the abuse that followed. "Bam. Bam Bam. Suddenly I was getting hit from all sides." Every day the press was filled with stories about her husband's real estate business. And after she denied Reagan was a "good Christian," there were furious counterattacks by a coterie of partisan Republican clergymen, including New York Archbishop John J. O'Connor. Of course, Ferraro had launched the first strike, misfiring on the ground. Suddenly she appeared to be the crusader

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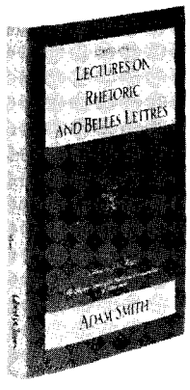

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mixing politics and religion. It also seemed that she wasn't really seeking a secular office, but an ecclesiastical one. Perhaps she aspired to sainthood by martyrdom?

Election Day was both an ending and a release, "more like a wake. One by one, the elected Democratic officials stopped by to pay their condolences. . . ." Mondale was dead. The bad marriage was over. And Ferraro proceeded as if her troubles had a statute of limitations. Now, she writes, "the future is whatever we want it to be."

FERRARO fervently believes in the power of self-invention, identifying with the most prominent self-invented figure of the age—Ronald Reagan. She praises one of his stock speeches "promoting the idea that with effort we can lift ourselves up by our bootstraps. I have no quarrel with that. It's my own story." Yet in her acceptance speech, she assailed the Reagan administration for breaking "a lot of the rules about what was decent and fair." Reagan, moreover, is an "anecdotal president," impervious to the facts, maintaining his leadership by illusory appearances.

The theme of broken rules haunted her campaign. Her August 1984 news conference, intended to dispel the suspicions raised about her finances, in fact raised more questions than it answered. She created the sense that she was fearlessly confronting the issue, clearing herself by appearance—the very thing she charges is false about Reagan.

But her future can stretch on limitlessly only if her past is "whatever we want it to be." During the campaign, the press relentlessly searched for the absolutely certifiable crime that would put Ferraro's name on the police blotter. The dictate of investigative journalism, the Watergate syndrome, demanded that reporters deal with her in this way. If she claimed, I am not a crook, then the task was obvious. Curiously, while the dragnet was moving through the available records, the autobiography she advanced went generally unchallenged. To be sure, many journalists did pursue the story; for their meritorious service, the *Philadelphia Inquirer* and the *Wall Street Journal* were singled out for banning from the Ferraro campaign plane. Many of the facts have already been published, sporadically sprinkled through scores of stories. Like handcuffs, they have been tried on and shaken off; they are merely facts, not crimes. Does she have to be guilty, however, for us to know who she is?

DURING the Prohibition era, Newburgh, New York, was a center for bootlegging and gambling, gaining a reputation as the "Barbary Coast on the Hudson." One of the Newburgh kingpins was Michael DeVasto, owner of breweries and speakeasies, a local legend for pistol-whipping Jack "Legs" Diamond. (Eventually, DeVasto joined Al Capone in the Atlanta penitentiary for tax evasion.)

In 1926 Dominic Ferraro came to town to work for DeVasto, first, according to one account, as a driver, and then as the manager of the Roxy nightclub. In 1933, at the height of the Depression, he bought the Roxy for $21,255, a grand sum. Two years later, Geraldine Ferraro was born above the nightclub. In time, her father moved the Roxy to a more central location and opened a storefront. He listed himself in city records as "clerk." But in 1944, the Ferraros were arrested for operating a numbers racket. A grand jury indicted them as "common gamblers." Dominic died the day he was to appear in court, and the charge against his wife was dismissed.

Salvatore Profaci, brother of Joseph Profaci, boss of one of the original five New York Mafia families, was among the underworld figures who did business in Newburgh. Much of the money Joe accumulated by illegal means was invested in legal businesses. Sal ran many of these enterprises, and his business partner was Phillip Zaccaro, John Zaccaro's father. Together they owned a realty company, called Bowery and Spring Realty Corporation, and a clothing manufacturing company in Newburgh. (In 1959 a special Senate investigative committee, spearheaded by Robert F. Kennedy, ferreted out Joe Profaci's hidden interest in the Newburgh firm.)

In 1954, while Sal was sailing his yacht off Asbury Park, New Jersey, it exploded. He had many enemies, but Zaccaro was a friend. In fact, Phil had been a character witness at Profaci's citizenship hearings. "A person of good moral character . . . well disposed to the good order and happiness of the United States," he testified. Phil also signed as a character reference on Sal's pistol license, an act of friendship that resulted in the New York Police Department's confiscating his own pistol license.

After Sal's demise, Bowery and Spring Realty was dissolved to settle the estate. Phil, as company president, folded his assets into the P. Zaccaro realty company. At P. Zaccaro, Phil was the president and his brother, Frank, was the vice president. In 1960 Frank and the company itself were named in a 103-count indictment, for demanding kickbacks from contractors working on the properties Frank managed for the city. "He received kickbacks on every single contract he had," said Manhattan District Attorney Frank Hogan. Frank pleaded guilty to five counts and paid a fine.

IN THE SUMMER of 1961, Geraldine Ferraro applied for and was offered a job in the Manhattan DA's office. But when she informed her prospective employer that she would begin work after returning from her honeymoon, the job was immediately withdrawn. In *Ferraro! A Woman Making History* by Rosemary Breslin and Joshua Hammer, Ferraro attributed the cause of her rejection to sexism: "A major concern was that training would take a certain period of time, and being a woman, I would start to have babies and it would all be wasted." She failed to note that this very office had successfully prosecuted the P. Zaccaro company just a year before, and that this may have been the reason the job was withdrawn. (Thirteen years later, Ferraro was hired as an assistant district attorney in Queens, where her cousin Nick was the DA.)

In 1978 Ferraro ran for Congress. Her campaign manager was Carmine Parisi, who later served as her congressional assistant. His son also worked for a while as an intern in her office. Parisi's father happened to be Camillo Parisi, a "capo," or captain, in the Genovese crime "family," according to congressional testimony. Before working with Ferraro, Carmine had worked with Anthony Scotto, the president of the Brooklyn International Longshoreman's Association. Scotto also served as the president of the New York Maritime Port Council, a group representing 150 unions, which he used as an instrument to gain political influence. His appointee on the council was Carmine Parisi. Scotto inherited the ILA position from his wife's father, Anthony Anastasio. Another position Scotto inherited from his father-in-law was that of "capo" in

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the Gambino crime "family," according to the Senate Subcommittee on Investigations. (In 1979 Scotto was convicted of accepting bribes and sentenced to five years in prison.)

Ferraro's 1978 campaign was financed by her husband. But the Federal Election Commission ruled that $110,000 of the campaign loans were made illegally, and he was fined $750. Ferraro was therefore forced to repay her husband. (Later she would claim an exemption on a House income disclosure form, swearing that she had no direct knowledge or benefit from John Zaccaro's wealth. Yet she is listed as a secretary of a number of the corporations they owned. And on a New York State Insurance Department form, she listed herself as the vice president of P. Zaccaro.) To compensate her husband, Ferraro sold properties, shares of which were also owned by a businessman named Manny Lerman. She took out two personal loans, which she in turn loaned to her campaign committee.

After she won her House seat, she set up a finance committee to raise money to repay her campaign debt to herself. Ferraro installed as her finance chairman Nicholas Sands, a.k.a. Dominick Santiago, president of a carpenter's union local, convicted in 1975 of labor racketeering, and previously indicted for embezzling $500,000 in pension funds. Sands was said to have been brought into the Ferraro operation by Parisi. In late 1979, a year after the successful Ferraro gala, billed as "An Evening with Geraldine," nine bullets were fired at Sands and his Mercedes in a gangland-style assassination attempt. Incredibly, he survived, and has maintained an extremely low profile ever since. (Ferraro claimed not to have known anything about Sands's background.)

IN THE MEANTIME, Manny Lerman, the Zaccaro/Ferraro business partner, was revealed, during the 1984 campaign, to have a stake in a building at 200-202 Lafayette Street, a building half-owned and managed by John Zaccaro, located a couple of blocks from the storefront headquarters of P. Zaccaro in Little Italy. At the Lafayette Street property, the prime tenant was Star Distributors, the largest pornography distributor in the country, an enterprise controlled by the DeCavalcante crime "family," according to Senate Judiciary Committee hearings. The business had been under investigation by state and federal law enforcement agencies since the early 1970s. (When the Star Distributors issue arose, the Ferraro campaign, on August 20, 1984, released a statement: ". . . Mr. Zaccaro took immediate steps to determine whether these allegations were true. . . . The media reports were the first indication Mr. Zaccaro had received of the nature of the materials stored by the tenant.")

Shortly after this controversy flared up, another name surfaced: William "The Butcher" Masselli. Masselli was one of the largest contributors to the Ferraro campaign debt retirement fund. His record includes convictions for kidnapping, drug conspiracy, and truck hijacking. More recently, he has been indicted for grand larceny in an alleged phony construction billing scheme, along with former secretary of labor Raymond Donovan.

Masselli, however, had no business connection to P. Zaccaro. Michael "The Baker" LaRosa, another big contributor, did. The LaRosa tie was an inheritance from Phil Zaccaro. Between 1957 and 1971, the Zaccaro family lent him more than $250,000 for real estate ventures. John Zaccaro became the president of P. Zaccaro in 1971, but the firm continued to manage LaRosa's properties until 1977. He gave generously to Ferraro's campaign. But in 1981 he was convicted of labor racketeering, apprehended in an FBI sting operation. According to an undercover FBI agent, LaRosa was a key liaison among the "five families" that made up the New York Mafia. Moreover, law enforcement sources described him as a "soldier" in the Lucchese crime "family." (During the 1984 campaign, Ferraro said, "I've known Mr. LaRosa. He's a businessman in New York and beyond that I'm just not going to comment.")

Another big contributor to the Ferraro congressional campaign was Edward "Eddie" Tse Chiu Chan, who was identified in testimony before the President's Commission on Organized Crime by a Federal Drug Enforcement agent as a leading underworld figure. He was one of the chieftains of the On Leong business group, which was re-

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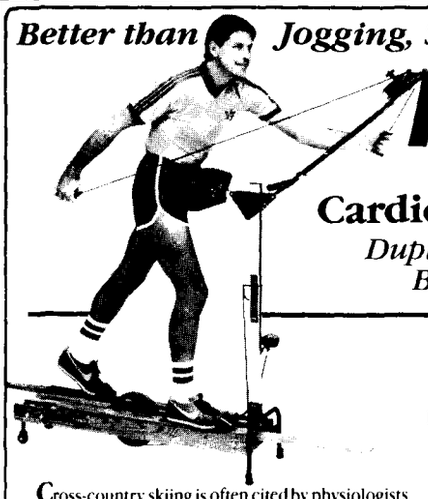

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ported to have forged links to the Ghost Shadows, a murderous "Tong" gang that law enforcement officials believe has carried out "hits" in New York, Canada, Washington, D.C., and San Francisco.

When "Eddie" Chan gave a maximum contribution of $1,000 to the Ferraro campaign, he listed his occupation as owner of a Chinese restaurant at One Mott Street, a building owned by a company called Frajo Associates. "Frajo" stands for Frank and John Zaccaro. And the associates today are John Zaccaro and his mother. All the Frajo properties, incidentally, are managed by P. Zaccaro. Prominent among the Frajo buildings was one located at 232 Mulberry Street, an address used as the official residence of Aniello Dellacroce, the number two man in the Gambino crime "family." (According to the New York police, in the late 1970s, after Carlo Gambino's death, Dellacroce fought for control of the national crime syndicate with rival mobster Carmine Galante, whose murder he ordered in 1979.) In fact, the Mulberry Street tenement was not Dellacroce's residence. He lived in style on Staten Island. Dellacroce used the apartment for arrest forms, among other things. It is a common practice among Mafia bosses to have a Mulberry Street address, typically requiring a trusted landlord as a precondition for establishing a front.

IN 1971, after John Zaccaro assumed control of P. Zaccaro, he sold the Mulberry Street building. Geraldine Ferraro acted as the attorney for a group of four buyers. But she dealt with only one of them—Lawrence "Joe" Latona, a buyer and seller of corpses, a "body broker," who ran his business out of the next-door building. (In 1938 and again in 1974, P. Zaccaro represented Latona's sister, Angelina, in a real estate investment.) Latona sold the Mulberry Street property in 1982 to Joseph "Joe the Cat" LaForte, named in Senate testimony as Dellacroce's underboss. LaForte's property holdings were extensive and included a Mulberry Street building, facing the original Frajo-owned building, that housed the Ravenite Social Club, the Gambino "family" headquarters. Latona was an incorporator of the club and the managing agent of the building. And it was at the Ravenite that Dellacroce was arrested for income tax evasion, a charge for which he was convicted.

LaForte was no stranger to John Zaccaro. Among the properties that P. Zaccaro managed were two buildings owned by a Chinese doctor named Yat Tung Tse. In 1979 Tse asked Zaccaro to find him a buyer. On May 8 Zaccaro wrote: "Dr. Tse, you must take this offer because I will never get another buyer like this." The buyer was Joseph LaForte, who had been indicted a month before for tax evasion. A month later, Tse sold his buildings to LaForte, who was soon sent to the Atlanta penitentiary.

Zaccaro had another tie to LaForte. They shared an attorney, Murray Michenburg, who was merely one of the many lawyers working for Zaccaro. Another, George Santangello, also worked for Michael LaRosa. And Zaccaro's accountant, until as late as August 1984, Jack Selger, was also retained by Salvatore Profaci.

THOUGH Ferraro has given the appearance of revealing all, the income tax returns she has displayed are merely personal and summary documents. She has not disclosed full-partnership or corporate returns. Undoubtedly, much more remains to be known.

It was clear, even before Ferraro's announcement, that she was a liability. Governor Mario Cuomo, running for reelection, seemed aware of the danger when he gave her a sharp elbow in early December, saying that he would have little time to help her campaign. An archaeological press corps would have feverishly unearthed more of her past, and Cuomo might have been somehow tainted, too. After all, she would have been seen as his running mate. His immigrant saga might be overshadowed by hers. His talk about "the family of New York" might be canceled out by revelations about very different "families." If she had decided to run, she would have been a truck bomber headed straight for the New York State Democratic Party.

Though Ferraro has chosen not to run, there has not yet been a true reckoning. In her book, Ferraro derides Reagan for turning history into fable. But what is really absent from her own story is detail, the texture of her background, which she claims is her greatest strength. She is one of the best known Americans, and one of the least known. Before she was chosen, Michael Berman, the Mondale campaign treasurer, inquired whether there was anything that she and her husband had done that could conceivably embarrass herself, Mondale, the Democratic Party, and the country. She firmly assured him of her impeccable past. So it is understandable that the former Mondale staff is today deeply embittered about Ferraro. They are convinced that she deliberately misled them.

But an assessment of the political problem may extend beyond her dissembling. Mondale constructed a selection process governed more by external labels than by personal qualities. Ferraro fit many of the categories that Mondale needed. She was female, Catholic, Italian, from a big state, and an organizational Democrat. He was, moreover, almost forced to take a risk in choosing her because of his dim prospects. The rush of history also seemed to be in her favor. The women's movement felt stymied by Ronald Reagan, and many of its leaders felt they could impose their will on Mondale. Thus a historic moment arrived: deus sex machina. "Go for it!" advised her husband. This was a credo that had served them well over the years. Why shouldn't their particular American dream apply to the highest office?

The aspiration to legitimate power is an old story. In *The Godfather*, Michael Corleone, the Al Pacino character, the firstborn, college-educated American son, resisted taking part in the "family" enterprise, but exchanged his moral nerve for blood loyalty, becoming what he had attempted to escape. The die for Ferraro was cast when she married her husband. Though she projects herself as a kind of Horatio Alger heroine, that story never happened. Instead, she married well within a certain circle, fulfilling her initial ambition. But she could never reject her past without rejecting her husband—and most of her life.

BECAUSE of the opportunities suddenly opened to her, she attempted to become completely legitimate in a telescoped period of time. Other families had achieved the power she sought. But the Kennedys, for example, took generations to move from ward politics to bootlegging to the presidency. If Joseph Kennedy Sr. had ever run for president, as he once wished, the climate for his children unquestionably would have been inclement. He was much too close to the primitive accumulation of the family fortune to take full

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advantage of it. But the Kennedy money, at least, was vast enough to support the sons' ambitions.

By itself the Ferraro-Zaccaro fortune was too narrow to fulfill her desires. For that, she required a unique historical warp—a strong feminist push, a weakened Mondale, and a faulty selection process. But Mondale was too weak to lift her into the vice president's mansion. And her fortune could not protect her from the problems arising from it. Her ambition cannot bear its own burden. While she struggles to protect her myth in the future, there is still the matter of her past.

OLD HABITS, NEW HABITS

Immodest Acts: The Life of a Lesbian Nun in Renaissance Italy by Judith C. Brown

(Oxford University Press, 214 pp., $14.95)

Lesbian Nuns: Breaking Silence by Rosemary Curb and Nancy Manahan

(Naiad Press, 432 pp., $16.95, $9.95 paper)

Immodest Acts is an account of the life of Benedetta Carlini, a Theatine nun of the early 17th century who achieved considerable renown in her native Pescia (near Florence) as a visionary, became abbess of her convent at an early age, and was finally discovered to have been involved in a sexual relationship with a younger nun for several years. Most of her story is reconstructed from the records of an ecclesiastical investigation into the nature of her visions; the truth about the relationship with her companion Bartolomea emerges only toward the end, a spectacular twist to what is already a colorful tale. Bartolomea ultimately confesses to the investigators that

> Sister Benedetta, for two continuous years, at least three times a week, in the evening after disrobing and going to bed would wait for her to disrobe, and pretending to need her, would call. When Bartolomea would come over, Benedetta would grab her by the arm and throw her by force on the bed. Embracing her, she would put her under herself and kissing her as if she were a man, she would speak words of love to her . . .

Benedetta was imprisoned until her death 35 years later.

Judith Brown ably sketches the social and religious context of Benedetta's poignant tale, and correctly notes that astonishingly little firsthand information of any sort about premodern lesbianism has survived. Benedetta's story would therefore be exceptionally valuable if it were clearly about lesbianism. But this is not actually clear. Benedetta was often "taken over" in some way by a male angel who called himself Splenditello. When this happened she would "become" Splenditello, speak in his voice (Splenditello would discuss Benedetta as a third party), and behave as a male, publicly, in front of the whole community. And it was always in the person of Splenditello that she made love to Bartolomea, who apparently accepted the transformation as real. She told the investigators:

> Splenditello asked her many times to pledge that she would always be his beloved and promised that he would be hers, and that after Benedetta's death he would always be with her and she would see him in the same way that Benedetta herself saw him.

Both women pretended—perhaps one or both believed—that the sexual acts they performed involved a male and a female, with the male simply using a female body as an earthly medium. This hardly makes the acts involved any less homosexual corporeally, but it does raise questions about the affect involved, and whether it was an example of what most people would call "lesbianism."

Brown herself does not raise this question. She contents herself with the observation that Benedetta was a lesbian because she chose to have sexual relations with a woman when she could have had relations with men. But how much choice could Benedetta really have exercised? Given to the cloister at age nine, her choice may have been simply to have sex or not, and the fact that she did so by impersonating a male does not suggest a particularly female-oriented eroticism. She may have known of cases of nuns involved with priests or other males, as Brown implies; but if so, almost certainly as the result of some scandal. Becoming an object of public discussion could hardly have constituted a "happy ending" for such an affair or an inspiration to others, and even if Benedetta contemplated such an outcome it would surely have seemed to her that activities with Bartolomea in their own cell at night involved vastly less risk of disgrace.

Although Brown largely ignores these questions in regard to Benedetta and Bartolomea, she does bring them up in a general way in her introduction, and she avers that she is in agreement with the school of thought which holds that "the term 'lesbian' should not be applied to women who lived before its emergence as a cultural category in the late nineteenth century," and that "before the nineteenth century, women who engaged in sexual relations with other women were incapable of perceiving themselves as a distinct sexual and social group, and were not seen as such by others." This makes her casual designation of Benedetta as a lesbian even more puzzling. (Bartolomea's sexuality is never discussed at all, which is also curious.)

I HAVE TROUBLE with this point of view—the "social constructionist" position on sexual orientation—for several reasons. Although it may be true on its own very limited and somewhat circular terms, it is irrelevant to the intellectual categories actually employed by most persons—which Brown acknowledges as the reason she ignores it and calls Benedetta a lesbian. Another problem is that it is based on so little evidence from premodern societies. There is actually more material than Brown herself cites. The 12th-century bishop Etienne de Fougères, for example, described the world as divided into male and female estates. Among males he distinguished royal, clerical, knight-

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ly, peasant, and bourgeois men; among females, adulterous, virtuous, and lesbian women. This is a startling taxonomy, and the good prelate appears to have had very detailed and precise information about what those in the last category did together. (Jeri Guthrie of the French department at the University of Southern California brought this to my attention.) A contemporary monk in England had a vision of lesbians in purgatory. "I had previously neither heard nor suspected," he reported, "that the female sex was in any way corrupted by such impurities. . . . But, alas, there was a crowd of such women there, as numerous as they were wretched." Although neither writer knew a word for "lesbian," both seem to have had a distinct type of person in mind. Such accounts tell us little about affect or identity, and evidence from males is perhaps not to be trusted in any event, but precious little is extant from the pens of lesbians themselves.

UNTIL THE 20th century, that is—when voices of self-examination and articulation have swelled to a chorus large enough to have produced *Breaking Silence*, a volume of confessions by 50 present or former lesbian nuns. Unpolished prose, clumsy editing, and numbingly repetitious stories make the collection wearing to read, but in its density and range it provides a fascinating text against which to read *Immodest Acts*—exactly the kind of evidence about lesbian experience from lesbian writers that is wanting from previous ages. It is a particular kind of lesbian experience, of course—that of women drawn to religious life—but it is invaluable nonetheless. One sees inside the cloister, shares the uncertain, unnamed, or unnameable longings, experiences the tentative gestures, the sudden awakenings, the wrenching guilt and torment and separations. Many different lesbian identities inhabit the North American cloisters described here, including one that involves a male alter ego ("Michael") much like Splenditello. It is not difficult to imagine Benedetta and Bartolomea in the communities of *Breaking Silence*, straining for the same self-realization, suffering the same guilt, experimenting with the same solutions. This is perhaps the best argument that could be made for Brown's contention that Benedetta was a lesbian, although *Breaking Silence* also seems to argue against the position that lesbianism is a chosen identity; the vast majority of the writers clearly evince the conviction that they discovered something about themselves rather than simply chose to behave or think a certain way. Many suggest implicitly or explicitly that their lesbianism played a role in drawing them to the convent in the first place. It would hardly be surprising, all things considered, to find that lesbians were drawn to all-female communities where a female-centered life could be a source of strength and respect rather than a cause for suspicion or pity on the part of the heterosexual majority.

It is not beyond the realm of possibility that there is some connection between religious life and homosexuality that is even deeper than the appeal of same-sex communities. Such a link is noted or deliberately fostered among shamans or *berdaches* in many tribal religions, was remarked on in ancient Rome, affected perceptions of the Christian clergy throughout the Middle Ages, fascinated 19th-century anthropologists (for example, E. Carpenter, *On the Connexion [sic] between Homosexuality and Divination*), and is posited by the genetic altruism theory of homosexual etiology advanced by sociobiology. The majority of homosexual literature

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surviving from most of the Christian era was written by persons in holy orders, including the outstanding examples of premodern lesbian poetry, written by 12th-century nuns to each other. Aside from the most recent (and highly controversial) biological theories, none of the writers suggesting such a relationship has been able to explain it. But if real, it may be no more mysterious than the heightened sensitivity and understanding afforded (or forced upon) the members of a group so oppressed that they are a despised category even in the eyes of their own families—a degree of alienation matched by very few other minorities.

The possibility that there is a special relationship between homosexuality and religious life may discomfit some Catholics, who frequently regard homosexuality as the vilest form of a generally suspect part of human life, and idealize those in religious life chiefly for their isolation from all carnal entanglement. Careful reading of either *Immodest Acts* or *Breaking Silence* should comfort them. In the former, the sole apparent instance of such behavior in the convent is uncovered and harshly punished. And the confessions of the latter, although they may offer prurient imaginations material for fantasy, make clear that the vast majority of those in the convent are celibate. Indeed, nearly all of the women who felt a strong need to act on their sexual impulses left the convent precisely because they could not remain in religious life and fulfill their erotic needs.

There is nonetheless something troubling about *Breaking Silence*. It is not simply that it forces us to focus on the most basic human needs of those we normally idealize as more (or less?) than human. It is also that the stories as told concentrate on the destruction of just that part of their lives we can most identify with. A majority of readers will have no intuitive understanding of the jubilation of "coming out of the closet" and experiencing one's sexuality openly, but they will have some idea—even if vague and unrealistic—of the life of a nun. It is dreary to read story after story about the dying of a vocation, the withdrawal from a tranquil community of dedicated sisters, the wrenching divorce from childhood idealism. Only one or two of the authors dwell on the joy and satisfaction they gained in the process, and these testimonies weigh lightly in the balance against the many accounts of the pain of separation and the sense of irrevocable loss. Years in religious life are listed like life spans in obituaries.

BOTH *Immodest Acts* and *Breaking Silence* are depressing as individual works, but read against each other they strike more hopeful notes—about religious life, about sexuality and its role in human lives, and about progress in society generally. *Breaking Silence*, for example, is as much about the transformation of religious life during the past few decades as it is about sexuality. This transformation is the undercurrent of most of the stories, and is explicitly mentioned in a few, although neither authors nor editors specifically address it or its relation to lesbian experience. About a third of *all* women in communal religious life left during the late 1960s and early 1970s. It is hardly surprising that the winds of *raggiornamento*, when they rustled through the Church, should have bestirred convents along with the rest of Catholicism, or that lesbians should have been prominent among the impatient who stepped outside the stone walls of the institution to catch the breeze. That those who have taken vows can now depart in peace if they discover another calling is a notable improvement in the relation between religion and society since Benedetta's time. Some of the former nuns are bitter that the walls of convent and Church kept out the winds of change, but this seems to me in the nature of religious structures. If they were so open that they admitted every breeze, they would not provide shelter in storms. Most of the orders did change in the end, and some of the lesbians who have remained in religious life feel quite comfortable now.

For all the ugliness and bigotry that persist in this matter, it is also comforting to reflect that the women who left the convent to embrace their homosexuality did so by and large with no fear of punishment or recrimination. Nobody faced imprisonment for 35 years; expulsion from the order was not even a worry for most. They simply chose another life. Some stayed in.

The subtlest, but in many ways the most enlightening, progression between the two books is the emergence of the very concept of lesbian nun. To the unreflective this may seem an oxymoron: if nuns are celibate, how can

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they be lesbians? What does it mean to be lesbian if one is celibate? These questions highlight the profoundly humanizing effect on both categories—nun and lesbian—that their conjunction could have. Conceptualizing nuns as persons devoid of sexuality both caricatures and demeans the complex and often courageous struggle of the celibate to dedicate her sexuality to a higher end. And conceptualizing lesbians (or gay men) as distinct from other human beings solely on the basis of sexual activity is both a misprision and a major cause of intolerance and misunderstanding. Most of the drama of sexuality in any individual's life has to do with nonphysical aspects of human interaction: affection, attraction, devotion, jealousy, passion, restraint, desire, sublimation, transformation. This is the same for homosexuals as for all other human beings. To understand what it means to be a lesbian nun is to understand both religious life and human sexuality at a much deeper level than Benedetta's contemporaries did, or than most Catholics could have 20 years ago. That many are able to do so now hints that a part of Western society has become more humane—in a few ways at least—in the past several decades. This is both the cause and the effect of a chorus of articulate voices, particularly women's voices, breaking ancient silences.

JOHN BOSWELL

John Boswell is the author, most recently, of *Christianity, Social Tolerance and Homosexuality* (University of Chicago).

ALONE BUT NOT LONELY

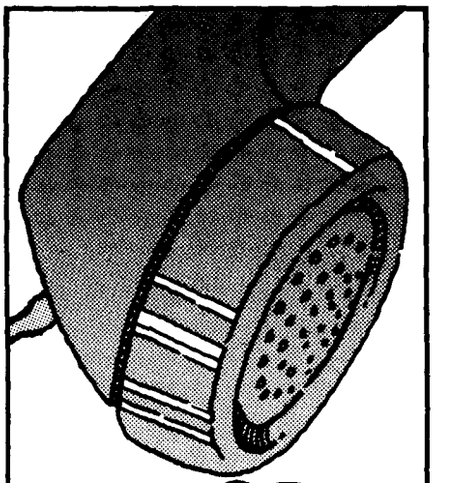
Tremor: Selected Poems by Adam Zagajewski translated from the Polish by Renata Gorczynski with a preface by Czeslaw Milosz

(Farrar, Straus and Giroux, 83 pp., $12.95)

The first of many things that make Adam Zagajewski's poetry worthy of note is the author's birthdate: 1945. Thus far, America's acquaintance with the most recent Polish poetry (if we take only book-length selections of specific authors into account) has been limited to a few aging giants, now in their 60s or 70s, such as Czeslaw Milosz, Zbigniew Herbert, Tadeusz Rozewicz, or Wislawa Szymborska. *Tremor* is the first book of poems issued by a major American publisher that presents one of the "children of People's Poland," the generation whose birthdates coincide with the establishment of the Communist order and whose youth was spent rebelling against it.

Of course, the multidimensional meaning of Zagajewski's poetry can by no means be reduced to that of "a poetry of protest" or a generational manifesto. The book can (and should) be read also outside the framework of Poland's recent history, and it will not lose much this way. After all, it has something important to say about life, death, love, loneliness, and other rather universal matters. And yet the keen sense of history that pervades and distorts contemporary existence seems to be something that cannot really be subtracted from Zagajewski's poems. While his work contains a wealth of sensuous imagination and philosophical perspicacity, the reader here is not able to forget that he is dealing with a poet born and raised in our age and in a certain corner of Eastern Europe.

In fact, Zagajewski's literary beginnings were marked by his and his generation's demand that Polish literature be concerned with *hic et nunc* rather than with universal issues and ahistorical settings. The poetic group he cofounded in the late 1960s in Cracow was called *Teraz* ("Now"). His early poems owed a great deal to the experience of student protest in March 1968—a protest directed, on the surface, against the abuses of state censorship but also, in its deeper sense, against the omni-



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present ideological lie of the system—and its having been crushed in due course by the police and slandered by the official media. In 1974 he stirred up one of the greatest controversies in postwar Polish culture by co-authoring, with Julian Kornhauser, a book of criticism titled *The World Not Represented*—a sweeping assault on the noncommittal literature of the previous decades, with its thematic evasiveness and moral irresolution.

Under the circumstances of communism, even in its relatively mild Polish version of the early 1970s, voices such as Zagajewski's must, as a rule, be silenced sooner or later. The "1968 generation" of rebels and truth-seekers had initially been allowed to speak out, but by mid-decade all its leading representatives found themselves blacklisted. This generation responded by creating an underground publishing network; Zagajewski, among others, served as co-editor of the first uncensored literary periodical, the quarterly *Zapis* ("The Record"). After a few years spent in Western Europe, he returned to Poland at the end of the fateful year 1981, only to witness the imposition of martial law. It took him more than a year to obtain another exit visa and leave for Paris, where he has lived for the past three years and written his best poems to date. Most of these are included in *Tremor*.

FROM such a biography, one might expect typically dissident poetry—vociferous protest, moralistic instruction, and historiosophic generalization, all dutifully put in the first person plural. Nothing like that takes place in Zagajewski's poems. By his personal inclination, but also by a deliberate choice, his is a poetry of the first person singular, the voice of an individual. It only so happens that this individual's life coincides with that phase of history when everything—from political systems and ideologies on the one hand to the dictates of one's conscience on the other—forces him to be social and makes the very notion of individuality suspect. In other words, if Zagajewski's poetry is a portrayal of an individual mind, it is a mind torn asunder by opposite tendencies—by a moral obligation to speak on behalf of others and by a sense of the necessity of remaining one's unique self. In the poem "Fire," he says:

> I remember
> the blazing appeal of that fire which parches
> the lips of the thirsty crowd and burns
> books and chars the skin of cities. I used to sing
> those songs and I know how great it is
> to run with others; later, by myself,
> with the taste of ashes in my mouth, I heard
> the lie's ironic voice and the choir screaming
> and when I touched my head I could feel
> the arched skull of my country, its hard edge.

The true "country," the authentic homeland of the individualist, is confined to the circumference of his skull. Whatever remains outside it is either uncertain or inauthentic, marred by banalities and dangerous collective illusions of unity. "The lie's ironic voice" is actually the voice of the poet's own ironic consciousness, which unmasks lies; which, moreover, never allows him to accept anything that is abstract, general, collectivist:

> Who has once met
> irony will burst into laughter
> during the prophet's lecture.
>
> ("Ode to Plurality")

Irony, the device so characteristic of modern Polish poetry, serves a special purpose in the case of Zagajewski: it is used as a defensive weapon against a uniforming abstractness of ideologies and systems. In this capacity, ironic distance is necessary to take in the whole breathtaking *plurality* (the key philosophical concept in Zagajewski's recent poetry) of the concrete, tangible world. As a consequence, one could consider as ironic (in a positive sense of the word) such otherwise ecstatic hymns, compared by Milosz in his preface to Gobelin tapestries, as the above-quoted "Ode to Plurality," or "A View of Cracow," or the brilliant poem "To Go to Lvov."

BUT IRONY can also reveal its cutting edge—and it does so whenever Zagajewski writes of any attempt to supersede plurality with a false or shallow unity. "A Polish Dictionary" (the title of a poem), a dictionary of the common parlance of the collective imagination, must unavoidably consist of stereotypes: "Lances, banners, sabers, horses . . ." "A Warsaw Gathering," even though it is a gathering of citizens sincerely concerned about their country's freedom (the poem thus titled was written in November 1981), cannot help but be a caricature of a group of people who fall prey to the tyranny of grand words and magnificent designs, whereas "In the last row . . ./The author of this little poem is sitting and dreaming of/music, music." The hero of Zagajewski's poems always sits "in the last row." He is a born dissident who (in the etymological sense of the Latin *dissidere*) always "sits apart"—apart not merely from the servants of the despotic system but, more generally, from any collectivity (even the collectivity of dissidents) that threatens his uniqueness and independence.

If Zagajewski stopped at this point, he would be nothing more than a post-

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Romantic individualist, a eulogist of self-imposed loneliness. His idea of "sitting apart" is, however, much more complicated. If I were to pinpoint the crucial sentence in *Tremor*, I would single out an almost casual statement that appears in the poem "A Wanderer": "I am alone but not lonely." The stance of the ironic individualist finds its counterbalance here in the idea of human solidarity: "Only others save us,/even though solitude tastes like/opium" (from another poem, "In the Beauty Created by Others"). If there is any discrepancy in this, it is the natural discrepancy between ontology and ethics. Reality makes us admire its existential plurality; at the same time, however, this plurality also encompasses evil and injustice, things to which we cannot reconcile ourselves because they affect or may affect, more or less directly, our own lives. This becomes particularly evident when we encounter evil masquerading as History. Zagajewski's poems about the reality of martial law in Poland are, naturally enough, no longer passionate hymns to the beauty of the visible world. Instead, they ask desperately:

> Why it has to be December.
> The dark doves of snow fly,
> falling on the slabs of the sidewalk.
> What is
> talent against iron, what is
> thought against a uniform, what is music
> against a truncheon, what is joy against
> fear . . .
>
> ("Iron")

Yet, in Zagajewski's world, even despair can be tempered by the ironic craft of poetry. True, those who "sit apart" are engulfed by the omnivorous jaws of History just as anyone else; but the individualist's distance at least gives him the chance to see everything more clearly and soberly. "On a hard dry substance/ you have to engrave the truth"—this is the obligation that the poet faces. What truth? Which truth? Of course not the falsely assuring "truth" of an ideological dogma or a collective stereotype. "My masters are not infallible," says Zagajewski in yet another poem. In his vocabulary, "truth" is associated with probing the surrounding darkness rather than achieving any final clarity:

> Clear moments are so short.
> There is much more darkness. More
> ocean than firm land. More
> shadow than form.
>
> ("Moment")

The poet's truth lies in his very search for the truth.

STANISLAW BARANCZAK

Stanislaw Baranczak, a Polish author who came to the United States in 1981, is now professor of Polish literature at Harvard University.

Philip Larkin, poet of death.

THE LEAST DECEIVED

BY WILLIAM H. PRITCHARD

THE recent death of Philip Larkin at age 63 not only deprived us of the finest poet writing in English, but of a particularly resourceful imaginer of the idea of death. He was also a resister of death as a fact; his great friend Kingsley Amis (*Lucky Jim* was dedicated to Larkin) wrote a novel titled *The Anti-Death League*, and Larkin was a charter member of that organization. "Beneath it all, desire of oblivion runs," ran a line from his first mature book of poems, *The Less Deceived* (1955). From the beginning Larkin was exceptionally sensitive to, and moved by, the oblivion into which things fall, while the "all" continues on its way. His poems were acts of resistance directed at that oblivion, from which (in "Maiden Name") he beautifully rescued such things as a married woman's former name ("Now it's a phrase applicable to no one") by affirming eventually that "It means what we feel now about you then: / How beautiful you were, and near, and young." Or, in the final poem from *The Less Deceived* ("At Grass"), he contemplated racehorses 15 years past their prime: "Do memories plague their ears like flies? / They shake their heads"—but shake them, not in response to the question, only against the flies. Thus it is left for the poet to memorialize them: "Almanacked, their names live; they / Have slipped their names, and stand at ease . . . And not a fieldglass sees them home."

I FIRST became aware of Larkin sometime in the middle 1950s, when I had worn out both my record of Dylan Thomas reading his poems and most of my enthusiasm for Dylan Thomas. Thomas was certainly full of stirring challenges and directives to death with a capital D ("And Death Shall Have No Dominion," "Do Not Go Gentle Into That Good Night"), but the music was too loud, the voice too thrilling for its own good. Without raising his voice, Larkin spoke about death (in his poem "The Old Fools") with a small d, in a tone of regretful evenhandedness, making his subject all the more inescapable and unarguable with, even as he argued about it:

> At death, you break up: the bits that
> were you
> Start speeding away from each other for
> ever
> With no one to see. It's only oblivion,
> true:
> We had it before, but then it was going
> to end,
> And was all the time merging with a
> unique endeavour
> To bring to bloom the million-petalled
> flower
> Of being here. . . .

No one has said anything truer and wiser about the difference between birth and death: between the "unique endeavour" that someone—a mother, a father, a doctor—is there to see, and the much later lonely breaking up of that "million-petalled flower" we scarcely knew we were part of in being here.

Like Hardy, the poet of all poets he admired most, Larkin wrote rhymed verse, and when the occasional poem didn't rhyme it only proved the rule. Like Frost, he would as soon have written free verse as played tennis with the net down (though I doubt that he played tennis) and would as soon have written poems that delighted in not making "sense" (John Ashbery's de-

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light) as he would have visited a foreign country, say the United States ("And of course I'm so deaf now that I shouldn't dare. Someone would say, What about Ashbery, and I'd say, I'd prefer strawberry, that kind of thing"). For Larkin, rhyme and stanza and making sense were the cement that held together both the poem and the poet's relation to his reader, as in the following lines from "Aubade," published a few years after his last book of poems, *High Windows*, appeared in 1974. This is a different, grimmer song than the aubades sung at dawn, usually to a lover; here the man wakes at 4 a.m., in the grip of "unresting death, a whole day nearer now," the dread of which "Flashes afresh to hold and horrify." He goes on to explore this "special way of feeling afraid / No trick dispels":

> Religion used to try,
> That vast moth-eaten musical brocade
> Created to pretend we never die,
> And specious stuff that says *No rational being*
> *Can fear a thing it will not feel*, not seeing
> That this is what we fear—no sight, no sound,
> No touch or taste or smell, nothing to think with,
> Nothing to love or link with,
> The anaesthetic from which none come round.

The specious stuff of religion and philosophy is dismissed, but there is nothing specious about the rhyming, especially the double one of "think with" and "link with," which touchingly links itself with the reader who both sees and hears a life-affirming connection made in the midst of death.

Larkin loved American jazz of the 1920s and 1930s (before Charlie Parker): Armstrong and Fats Waller, Sid Catlett and especially Pee Wee Russell, who figured for him and Amis and their Oxford pals as "mutatis mutandis, our Swinburne and our Byron." He concluded his introduction to *All What Jazz*, the just-reprinted collection of his reviews, by imagining the audience to whom this music could speak:

> Men whose first coronary is coming like Christmas; who drift, loaded helplessly with commitments and obligations and necessary observances, into the darkening avenues of age and incapacity, deserted by everything that once made life sweet.

One almost yearns to be such a man, just to live up to that prose, or to the figure in one of the last poems he published, "Continuing to Live," in which life as it continues is seen as "nearly always losing, or going without":

> This loss of interest, hair, and enterprise—
> Ah, if the game were poker, yes,
> You might discard them, draw a full house!
> But it's chess.

And, the poem continues, "Once you have walked the length of your mind / What you command is clear as a lading-list." I think that Larkin felt he had walked the length of his own mind, that he had no more—or hardly any more—poems to write, and that the only profit of continuing to live was that, in the poem's words, we may in time "half-identify the blind impress / All our behavings bear." Yet—it concludes ruefully—

> . . . to confess
> On that green evening when our death begins,
> Just what it was, is hardly satisfying,
> Since it applies only to one man once,
> And that one dying.

Cold comfort farm. One likes, nevertheless, to think Larkin may once or twice have had an inkling of how much pleasure and satisfaction he gave to readers, most of them not aging men headed for coronaries, but younger readers of both sexes who, in the words of his best-known poem, "Church Going," recognize in themselves "A hunger . . . to be more serious." He was passed over for Poet Laureate, but like his beloved Hardy, Larkin was something better. □

CORRESPONDENCE, *from page 2*

knowing full well that it calls for the forced separation of non-Jewish wives from Jewish husbands.)

Rabbi Trainin (whom I vaguely recall from my youth as a prominent functionary of the Federation of Jewish Philanthropies and a frequent target of his nephew's agitations) repeats the most common response to my article: Kahane may be bad, but I shouldn't have said so. Naturally nothing would please me more than to learn that I exaggerated; but I don't expect to. And naturally I understand the reluctance to give Israel's enemies the gift of Jewish disputes; but if the compunction covers even Kahanism, then we (I mean the American Jews) are misplacing some of our pride in ourselves.

TRB, *from page 4*

wouldn't affect the elderly poor at all, since they are exempt from these fees.

Despite the recent freeze on payments to doctors, Medicare still operates in a never-never land where doctors may charge as much as they wish, collect most of it from the government, and bill the patient for the rest. They are under virtually no market pressure to hold down their charges. The government hasn't even begun to use its leverage as the largest purchaser of health care to lower its costs. On top of everything, it pays an extra three billion dollars a year in Medicare fees to cover medical education in hospitals—a subsidy to the richest profession in America that began when we feared a shortage. Now there's a surplus, but the subsidy continues.

Bringing Medicare back down to earth would be a shock for some, a true sacrifice for none. Do the nation's elderly really want to saddle their grandchildren with debt so they can ride around in overpriced medi-vans?

While liberals need to relearn the distinction between benevolence and boondoggle, conservatives need to forget the distinction between spending programs and tax loopholes. Some people take unfair advantage of the federal purse one way, some the other; it makes no difference. For example, it costs the government half a billion dollars a year to run the air traffic control system for private planes. Is that a spending program, or would charging them for this service be a tax increase? President Reagan's stand on principle against all new sources of revenue is silly as well as futile.

Even if the current version of tax reform becomes law, there will be plenty of ways left to bring in billions without raising marginal tax rates. Taxing just a small part of fringe benefits would raise a quick eight billion dollars, for example. Taxing capital gains at death (gains on inherited property now escape tax completely) would bring in $4.5 billion. Loopholes aside, an oil tax that merely soaked up the fall in oil prices could raise as much as $45 billion.

This is hardly my complete wish list. It leaves out defense, farm price supports, veterans' programs, federal pensions, and other big-ticket items, along with hundreds of tiny absurdities like urban development grants for Hilton hotels. My point is that it doesn't require genius, or even ruthlessness, to bring back fiscal sanity. Just a bit of courage.

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WASHINGTON DIARIST

City Slicker

RECENTLY A BIG CORPORATION paid to send me to New York. It was my first exposure to deep-pocket expense account living, and it was fun. I got to fly the Eastern Shuttle without worrying whether my freelancer's budget could afford it, rode in a limo, and saw dawn break over Central Park from my hotel window. At one point I encountered Mort Zuckerman, the real estate tycoon and owner of *U.S. News & World Report*, and mused that for the previous 12 hours I'd been living pretty much the way he does. Expense Account Manhattan is a great improvement over the Manhattan I'm used to, where home is a couch with a blanket and a couple of sheets, and you wouldn't happen to have a spare towel, would you? But its customs require a little getting used to. For example, what is the proper way to turn down an invitation to petty larceny? On the ride in from LaGuardia, the cab driver asked me if I needed a receipt. When I answered yes, he handed me a blank one. No problem, I thought—I'll just pass the receipt back when we get there and he'll understand that I'm turning down his offer. He didn't. With undisguised contempt, he explained that if I wrote $25 on the receipt and then gave him the $15 I really owed him, I could pocket ten dollars. "Oh, *I* see," I answered, preferring to seem like a fool than a prig. Later, as I was forging $15 onto the receipt, it occurred to me that the proper metaphor for the way people rip off large, faceless organizations is no longer theft, but vandalism. What does a cab driver stand to gain by allowing me to forge a receipt? In this age of Looking Out for Number One he certainly can't assume I'll show my gratitude by adding a dollar to his tip. The pleasure must be something akin to picking up a rock, weighing it in your palm for a few seconds, and then tossing it through a plate-glass window.

I WAS IN NEW YORK to appear on "The CBS Morning News." Omitting a videotape made of a toast I gave in 1978 as best man at my brother's wedding, this was my second appearance on TV. The first time had been about three years ago, when I was working as a staff writer at this magazine. The U.S. Senate Republican Conference called looking for a token liberal willing to be ambushed on the crime issue by two senators, one representative, and a writer from *Reader's Digest* on an *Agronsky & Company*-style cable TV show. The task fell to me. The producer, clearly pleased at the sight of my long hair, tweed jacket, and wrinkled chinos, asked excitedly if I was "the guy from Pacifica," the leftist radio network. If they want Pacifica, I thought to myself, I'll give 'em Pacifica. So I was rude and kept changing the subject to gun control. Indeed, I think I did pretty well, though on viewing a videotape later I noticed I overused the word "indeed." This time around I was to talk about Hollywood, about which I had just written an article for the *Washington Monthly*. Arguing the other side was the movie director Norman Jewison. Jewison was such a nice guy that it was hard to play the sullen adversary. Plus I got a little case of the jitters. In mid-answer to the first question, the synapses stopped firing and I started waving my hands. (A cruel friend, watching a videotape afterward, chanted, "one one thousand, two one thousand, three. . . .") I rallied on the second question, though, and went on the offensive with a pretty fair summary of a ten-page article. But I was unable to tell anybody afterward precisely what I'd said. Maybe this is what happens when people talk in tongues.

I THINK I SPEAK for freelancers everywhere when I say that it was a pleasure to see Random House award a three-million-dollar contract to one of our frayed ranks. The recipient, Edmund Morris, was able to command that price because his book, a biography of Ronald Reagan, will have the advantage of first-hand observation: the president is allowing Morris to follow him around. As the *New York Times* noted, the years before 1980, when Morris won a Pulitzer for the first volume of his Theodore Roosevelt biography, were a bit rough. He had to write advertising copy and mail-order catalogs to make ends meet. After two years of work on the Roosevelt book, Morris ran out of money and had to ask his editor for more. When a monthly sum was arranged, Morris was so grateful that he wrote the editor a letter dated 1884 in which, posing as Roosevelt, he thanked him "for being so patient with my future biographer." Stories like this always make me wince, so I'm glad to see Morris's money problems are behind him. But now he's got another problem. How is he going to make Reagan's life interesting? As a figurehead, Reagan is fascinating—years from now historians will marvel at how he managed to draw together libertarians, Moral Majoritarians, neoconservatives, and Conservative Opportunity Society types. But as a person, Reagan will bore people to death. Consider what is probably the most important question about the man: Why did he give up his ADA-style liberalism to become a spokesman for the conservative movement, first for General Electric, then as governor of California, and finally as president? For two decades, various explanations have been offered: it was his wife, it was his increasing wealth (which made income taxes more and more of a nuisance), it was the business community that he came into increasing contact with. All of these theories emphasize circumstances over ideology. The assumption seems to be that Reagan did not go through the sort of spiritual crisis that usually accompanies a real change of heart. Even relatively sympathetic observers like Lou Cannon of the *Washington Post* (who wrote a Reagan biography in 1982) seem willing to let stand the impression that it was just serendipity. I don't mean to imply that Reagan is brainless; although I've never been able to isolate where his intelligence lies, it must be somewhere. I'm just suggesting that he's uncomplicated, and the lives of uncomplicated people don't make good reading. So I wonder how many people will want to plunk down $20 for Morris's book (working title: *Blind Date with Destiny*).

LATE BULLETIN: the editor informs me that I have yet to match Mort Zuckerman in high living, even for 12 hours. He has a town house in Manhattan and a private plane to take him there. As one post-adolescent says to another in *Diner* when they get lost in Maryland horse country, "Do you ever get the feeling there's a lot of stuff going on that we don't know about?" Indeed.

TIMOTHY NOAH

Timothy Noah is a contributing editor of the *Washington Monthly*.

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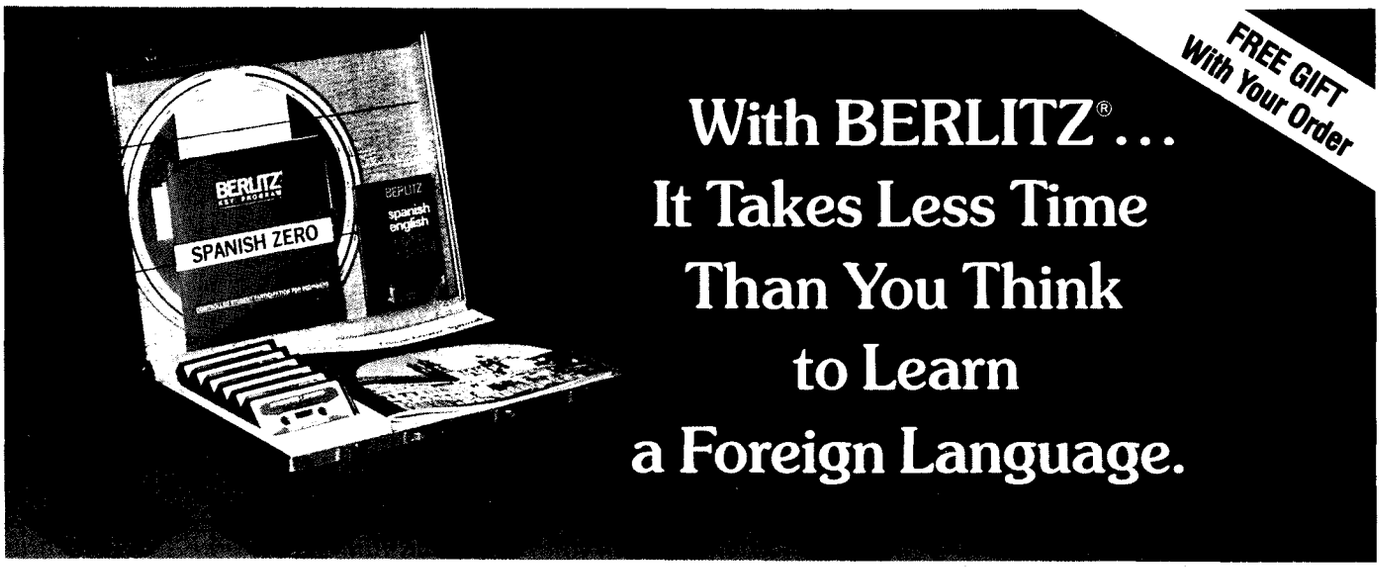

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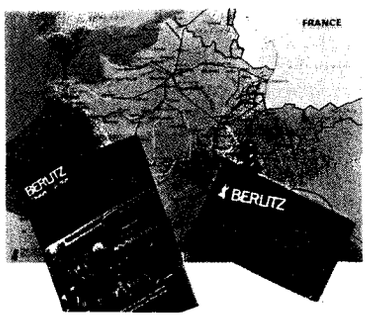

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